

June 3, 2005 memorandum from Probation regarding Department of Justice Settlement Agreement - First Semi-Annual Monitoring Report

July 15, 2005 memorandum from Probation regarding Department of Justice Settlement Agreement - Second Quarterly Compliance Progress Report

February 23, 2006 memorandum from Probation regarding Department of Justice Settlement Agreement - Fourth Quarter Compliance Progress Report

November 17, 2006 memorandum from Probation regarding Department of Justice Settlement Agreement - Quarterly Compliance Progress Report

January 31, 2007 memorandum from Probation regarding Department of Justice Settlement Agreement - Quarterly Compliance Progress Report

August 2, 2007 memorandum from Probation regarding Department of Justice Settlement Agreement - Quarterly Compliance Progress Report

November 21, 2007 memorandum from Probation regarding Department of Justice Settlement Agreement - Quarterly Compliance Progress Report (July - September 2007)

December 17, 2007 memorandum from Auditor-Controller regarding Department of Justice Settlement Agreement - October 2007 Monitoring Results

January 16, 2008 memorandum from Auditor-Controller regarding Department of Justice Settlement Agreement November 2007 Monitoring Results

April 2, 2008 memorandum from Auditor-Controller regarding Department of Justice Settlement Agreement - March 2008 Monitoring Results

May 1, 2008 memorandum from Probation regarding Department of Justice Settlement Agreement - Quarterly Compliance Progress Report (January - March 2008)

Á

Þ[ç^{ à^!Áí ËÖÖJÁ ^{ [!æ} á~{ Á[{ Á[! [àæí } Á^* æåå * ÁÖ^] æd ^} of -R • æÁÜ^d^{ ^} c
Ö^!^^{ ^} ofÁÜ~ æc^!^ ÁÖ[{] |æ} &^Á[! [*!^••ÁÜ^] [!öq æÁÖE *~•öÖÖJDÁ



PAUL HIGA
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242
(562) 940-2501



June 3, 2005

TO: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Paul Higa
Chief Probation Officer

**SUBJECT: DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT -- FIRST
SEMI-ANNUAL MONITORING REPORT**

In accordance with the settlement agreement between the County of Los Angeles (County), the Los Angeles County Office of Education (LACOE), and the United States Department of Justice (DOJ), attached is the First Semi-Annual Monitoring Report prepared by the designated Monitor and the Monitoring Team members.

The Monitors' report indicates that the County and LACOE have met the conditions of the first reporting period, which required both agencies to submit certain documents to the DOJ by March 28, 2005, for review and approval. Although the Monitors did not intend to report on the assessment of each provision in this initial period, the report includes observations in several of the provision areas, as well as suggestions for strengthening existing compliance plans. Key observations and concerns are noted further below.

BACKGROUND

A settlement agreement with the DOJ was fully executed on August 24, 2004, and allows the County and LACOE to address concerns of confinement practices, health, mental health, and education services provided to minors at the County's three juvenile halls over a three-year period. The settlement agreement designated Mr. Michael Graham as the Lead Monitor responsible for overseeing compliance monitoring by a Monitoring Team, which includes seven County and LACOE-funded experts in the fields

of psychiatry, mental health, medicine, safety and sanitation, juvenile justice programs, juvenile detention practices, and education.

The Monitors are required to visit the County's three juvenile halls on a quarterly or semi-annual basis, to review and report on the County and LACOE's progress regarding compliance with the 52 settlement agreement provisions. The Monitors' reports are required semi-annually, or as directed by the parties.

FIRST REPORTING PERIOD – GOALS & MONITORS' FINDINGS

Pursuant to the agreement, the Monitors and DOJ counsel conducted their initial monitoring of the juvenile halls during the week of February 14-18, 2005. The goals for the initial reporting period were for the County and LACOE to submit certain documents to the DOJ by March 28, 2005, for review and approval as follows: 1) completed Action Plans (Paragraph 68); 2) developed/revised Policies and Procedures in support of the Action Plans (Paragraph 69); and 3) auditing/measurement tools used to determine compliance levels.

As referenced above, and consistent with my March 23, 2005 Initial Quarterly Compliance Progress Report to your Board, the Monitors' report indicates that the County and LACOE have met the conditions of the first reporting period. The report also references the County's and LACOE's desire to achieve substantial compliance as defined by the DOJ in each area of concern for a period of 12 consecutive months as quickly as operationally feasible.

Throughout the monitoring period, each of the agencies has engaged in ongoing dialogue with the Monitors and are continuing to implement the necessary changes in accordance with the settlement agreement. Although the Monitors did not have time to assess the current status of each settlement agreement provision, all provisions are anticipated to be reviewed during the next quarterly monitoring visit scheduled for the week of June 6-10, 2005. However, the Monitors provided comments regarding their observations of most provision areas, which included affirmations of progress, reemphasis of areas of continuing concern, and suggestions for strengthening existing provisional compliance plans. The Monitors' key observations and concerns are briefly described below.

Department of Health Services - Juvenile Court Health Services

- Medically-fragile minors are being tracked appropriately as they move between facilities and their medical records are being safely and securely transported between facilities.
- Minors' side effects from psychotropic medications are being tracked and recorded appropriately.

Department of Health Services - Juvenile Court Health Services, Cont'd

- Minors are being routinely transported to medical appointments.
- Most medical encounters are occurring in a confidential location, however the medical admissions processing station at one of the facilities needs to be relocated to a more confidential setting.

Probation Department

- Probation is providing an effective grievance system for court wards, which should be further strengthened through effective tracking processes.
- The training of staff in suicide prevention, supervision of youth, and mental health issues is ongoing.
- The Use of Force policy and procedure is being revised to reflect a more youth-centered approach.
- Incidents involving the use of Oleoresin Capsicum Spray (OC Spray) have been greatly reduced.
- Incidents involving force are immediately administratively reviewed after their occurrence by supervisory staff.
- Incidents of youth-on-youth violence are undergoing increased scrutiny. Use of force and youth-on-youth violence incidents receive further scrutiny in weekly meetings attended by supervisors and managers. Strategies were proffered by the Monitors to improve the outcomes of these meetings.
- All agencies are involved in Individual Behavior Management Planning meetings where specialized programs are being created for minors who require such programming.
- Enhanced efforts should be made to locate and service (house and educate) minors who are mentally ill or developmentally disabled.

Long-term issues, such as effective substance abuse programming and effective facility-wide behavior management are currently being addressed by the involved agencies with Monitors' input.

Department of Mental Health

- Mental Health staffing levels at the juvenile halls have been increased. DMH continues to strive to hire qualified, competent staff.
- Youth are being routinely screened for serious mental health issues upon admission to juvenile hall. Suggestions for a secondary screening for substance abuse issues were offered.
- Assessments are being completed in a timely manner, although the overall quality of the assessment varied by clinician.
- Training of clinicians in mental health assessments is ongoing. The implementation of a structured diagnostic interview tool was suggested.
- Case management and counseling services have improved, but are impacted by difficulties tracking youth moving between facilities.
- Psychotropic medications are being appropriately prescribed and monitored by Psychiatrists.
- Youth on suicide watch are being appropriately supervised, however, there needs to be enhanced timely clinical follow-up and tracking when youth move between facilities. Suggestions were made regarding utilizing alternative suicide assessment tools.

Los Angeles County Office of Education

- Records of Special Education students are actively being sought, however the records retrieval process should consider additional ways to obtain student records in a more timely manner.
- Individual Educational Plan meetings are being held within legal timeframes. Parents are invited and minors are being held at the initiating facility until after the meeting takes place.
- A plan for small group instruction is in place, however the full implementation has not begun.
- Language and speech services are being provided to minors.
- Some space issues for the provision of special education services remain.

As the lead agency, Probation will continue working with DHS, DMH, and LACOE to address the areas of concern to achieve compliance with the settlement agreement. We will provide your Board with our Second Quarterly Compliance Progress Report by the end of this month, and will include progress made and/or deficiencies identified by the DOJ Monitors during their June 6 – 10 visit. The Second Semi-Annual Monitors' Report is anticipated to be completed in September 2005.

County Counsel, DHS, DMH and LACOE concur with this report.

If you have any questions, please contact me at (562) 940-2501, or your staff may contact Shirley Alexander, Chief, Detention Services Bureau at (562) 940-2503.

PH:SA:RB:za

Attachment

cc: Violet Varona-Lukens, Executive Officer, Board of Supervisors
Raymond G. Fortner, Jr., County Counsel
David E. Janssen, Chief Administrative Officer
Tyler McCauley, Auditor-Controller
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education
Dr. Thomas Garthwaite, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health



PAUL HIGA
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242
(562) 940-2501



July 15, 2005

TO: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Paul Higa 
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT -- SECOND
QUARTERLY COMPLIANCE PROGRESS REPORT**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly status reports to the Board on corrective action implementation of services provided to minors at the three juvenile halls, pursuant to the settlement agreement with the Department of Justice (DOJ).

In addition, on December 14, 2004, the Board directed the Auditor-Controller to oversee the Multi-Agency Juvenile Hall Quality Assurance Team (QA Team) responsible for monitoring the County's progress in implementing the corrective action. Substantial compliance with each settlement agreement provision for 12 consecutive months is necessary to fully satisfy that portion of the agreement.

Implementation Progress

This Second Quarterly Compliance Progress Report primarily provides: 1) the current implementation status of each settlement agreement provision; 2) confirmation that the DOJ Monitors have begun monitoring for substantial compliance for 5 out of the 48 settlement agreement provisions requiring monitoring; and 3) an indication that 9 additional provisions will be requested for formal monitoring by August 31, 2005.

In addition, as indicated in our Initial Quarterly Progress Report of March 23, 2005, and consistent with the DOJ Monitors' First Semi-Annual Monitoring Report of May 5, 2005, the County and LACOE have met the conditions of the first Monitors' reporting period by

submitting 1) draft Action Plans; 2) newly developed and/or revised policies and procedures; and 3) audit/measurement tools used to determine compliance levels to the DOJ, as required.

During this reporting period, each of the agencies engaged in significant ongoing dialogue with the Monitors, obtained as-needed technical assistance, and continued to implement necessary changes in accordance with the settlement agreement.

DOJ Monitors' Juvenile Halls Visits & Approval of County & LACOE Action Plans

During June, the Monitors conducted their second formal monitoring visit of the three juvenile halls, and assessed the status of various settlement agreement provisions. Some key areas of improvement or concern noted by the Monitors are reflected on Attachment I. In addition, some of the Monitors, as required, are visiting the juvenile halls this week for their third formal monitoring, while other Monitors are scheduled to visit in August.

On June 29, 2005, the DOJ formally accepted the County's and LACOE's Action Plans, and is in the process of evaluating previously submitted policies and procedures and audit/measurement tools. Pursuant to an agreement between counsel for the County, LACOE, and the DOJ, formal acceptance of the Action Plans allows: 1) the County and LACOE to request identified settlement agreement provisions be assessed for readiness for formalized compliance monitoring; and 2) any Monitor to declare certain provisions ready for formalized monitoring and initiate substantial compliance monitoring. As indicated below, this process has begun.

Settlement Agreement Provisions – Formalized Monitoring Status

Attachment II provides a matrix reflecting the settlement agreement provisions, designated agencies individually or jointly responsible for implementing the provisions, implementation status, and a summary of the agencies' progress. Thus far, the Monitors have declared 5 provisions of the settlement agreement ready for formalized monitoring. These provisions are stipulated by paragraphs #36, Youth Movement Between Halls; #51, Security, and #53, Food Safety, effective June 1, 2005; and paragraphs #39, Youth with Special Needs, and #42, Confidentiality; effective July 1, 2005.

Out of the 48 operational provisions requiring formalized monitoring, 20 (41.7%), including the 5 referenced above, have been implemented (i.e., action taken and the provision is ready for consideration for formalized monitoring); 21 (43.7%) are pending implementation (i.e., action taken and the provision is very close for formalized monitoring); and 7 (14.6%) have not yet been implemented (i.e., although some action has been taken, the provision is not ready to proceed onto formalized monitoring). We will continue to identify settlement agreement provisions to be assessed for readiness for formalized compliance monitoring.

Auditor-Controller Oversight of the Quality Assurance Team

Paragraph 56 of the Settlement Agreement requires the County and LACOE to institute a quality assurance system to ensure implementation of the provisions addressed in the Agreement. The QA Team, under the supervision of the Auditor-Controller, conducted monthly compliance monitoring reviews at the three juvenile halls. The results of those reviews were shared with Probation, DHS, and DMH managers, as well as with the DOJ Monitors. Consequently, actions have been taken as indicated in the progress summary of the matrix. The QA Team also revised the monitoring tools, as necessary.

During the quarter, a number of DOJ monitors have expressed their satisfaction in the efforts of the QA Team to accurately monitor the County progress and to maintain a level of independence.

As the lead agency, Probation will continue working with DHS, DMH, and LACOE to implement the necessary changes to achieve compliance with the settlement agreement. Our Third Quarterly Compliance Progress Report, covering July thru September, will be submitted to the Board in October, 2005, and will include: 1) a status of the policies, procedures and audit tools proffered to the DOJ for review and approval; 2) a follow-up on the DOJ Monitors' Second Semi-Annual Monitoring Report anticipated to be issued in mid-September, 2005; 3) a summary of the QA Team activity; and 4) an updated progress matrix on the status of the provisions. County Counsel, DHS, DMH, LACOE, and the Auditor-Controller concur with this report.

If you have any questions, please call me at (562) 940-2501, or your staff may contact Shirley Alexander, Chief, Detention Services Bureau at (562) 940-2503.

PH:SA

RB:bd

Attachments (2)

cc: Violet Varona-Lukens, Executive Officer, Board of Supervisors
David E. Janssen, Chief Administrative Officer
Raymond G. Fortner, Jr., County Counsel
J. Tyler McCauley, Auditor-Controller
Dr. Thomas Garthwaite, Director, Department of Health Services
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education
Dr. Marvin J. Southard, Director, Department of Mental Health
Michael Graham, Lead Settlement Agreement Compliance Monitor



PAUL HIGA
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242
(562) 940-2501



February 23, 2006

TO: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

FROM: Paul Higa *Paul Higa for*
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT –
FOURTH QUARTER COMPLIANCE PROGRESS REPORT**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice settlement agreement. This is the fourth quarterly report primarily covering October 1, 2005 through December 31, 2005; however, this report also covers July 1, 2005 through September 30, 2005, as the DOJ Monitor's Second Semi-Annual Report was completed in early October 2005, and we delineated the DOJ's concerns in our proposed plan of October 27, 2006 to the Chief Administrative Office to address the pending issues to achieve compliance with the Settlement Agreement.

STATUS OF PROVISIONS OVERVIEW

The following is an update on the status of the provisions:

Twelve of the 50 settlement agreement provisions (24%) have been approved for formalized monitoring by the DOJ. However, as further detailed, the Monitors raised significant concerns regarding the County's compliance with certain other provisions related to the management of suicidal youth, staffing, use of force, rehabilitation, and youth-on-youth violence. These concerns are being addressed with the additional resources your Board approved on January 31, 2006.

The County has requested the Monitors to review and assess the progress made on 11 additional County-related provisions for the purpose of granting formalized

monitoring status. A review of these provisions was conducted during the recent monitoring visits of January 30, 2006 to February 11, 2006. The Monitors' results should be available within two weeks and will be included in the next progress report.

SUMMARY OF COUNTY'S PROGRESS: OCTOBER 2005 – DECEMBER 2005

Overall, the Lead Monitor reports that the County continues to make substantial progress in implementing the settlement agreement provisions; however, as reported to your staff on October 6, 2005, and as outlined in the Monitors' *Key Observations* section of this report, the Monitors raised significant concerns regarding the County's compliance with the following provisions:

- Management of Suicidal Youth (Provision #25);
- Staffing (Provision #27);
- Use of Force (Provision #29);
- Rehabilitation (Provision #33); and
- Youth-on-Youth Violence (Provision #35).

On October 11, 2005, your Board instructed the Probation Department, in conjunction with the Chief Administrative Officer (CAO) and the Director of Personnel to develop a plan that would address all of the pending issues to fully implement the remaining DOJ findings in their Second Semi-Annual Monitoring Report, and report back with a plan to fully implement the DOJ's requirements, including staffing levels, additional training and programming needs, and specific changes.

The Probation Department submitted its proposed plan of October 27, 2005 to the CAO, which was developed to achieve ongoing compliance with the settlement agreement. The plan identified \$17.9 million to fund 270.0 additional peace officer line positions as the resources necessary to 1) increase safety for detained youth and juvenile hall staff; 2) ensure proper training of staff in new policies and practices; and 3) properly support the consistent delivery of new and existing services.

In January 2006, the CAO prepared a Board memorandum dated January 12, 2006 entitled "Plan to Fully Implement the Department of Justice Requirements". The CAO recommended 237 Probation line positions and 10 DMH positions for the three juvenile halls as included in their mid-year Appropriation Adjustments to Various Budget Units request to your Board, which was approved on January 31, 2006. Of these positions, 94 positions are designated for the three juvenile halls to specifically improve supervision and treatment of self-harming and suicidal minors. We expect that this additional staffing, along with proper training, will address these concerns.

In addition, on January 26, 2006, the Probation Department provided your Board a written plan to specifically address the Monitors' concerns regarding the management of suicidal youth within the three juvenile halls, entitled, "Plan to Address Department of Justice and Monitor Concerns – Settlement Agreement Provision #25, Management of Suicidal Youth". As referenced on page seven on the attached matrix, we have provided a detailed

summary of the County's actions taken to date to address the DOJ's and Monitors' concerns related to this provision.

In addition, during the most recent monitoring visit in late January and early February, 2006, the monitors expressed some concern regarding our restraint practices, which have since been modified.

SUMMARY OF LACOE'S PROGRESS: OCTOBER 2005 – DECEMBER 2005

LACOE continues to maintain ongoing dialogue with the Education Monitors regarding the improvement of educational services provided to students in the juvenile halls. During this fourth quarterly period, LACOE has implemented several of the Education Monitors' recommendations in the areas of Special Education services and English Learner (EL) services. LACOE is making progress to improve special education and EL services, i.e., strategically redeploying staff, revising the comprehensive EL Plan to increase the services provided for EL students, and increasing the budget to hire additional staff to provide special education services. The various training components for LACOE staff outlined in the action plan have begun at each juvenile hall.

Although LACOE is achieving progress in the desired outcomes, the Monitors have noted that LACOE has not yet achieved substantial compliance in any of the five areas of the Settlement Agreement. From their observations, both of the Education Monitors have listed the need for additional staffing, a consistent pool of available substitute teachers, and continued collaboration with Probation to address facility issues as some of the resources and strategies needed to achieve substantial compliance.

FOURTH QUARTER GOALS & MONITORS' FINDINGS

Each of the agencies continues ongoing dialogue with the Monitors in an effort to implement the necessary changes in accordance with the Settlement Agreement. During this reporting period, the Monitors conducted various monitoring visits of the three juvenile halls, which included visiting with staff and administrators, reviewing records, observing specialized meetings, providing out-briefings to agency administrators at the conclusion of their visit, providing written reports confirming their observations to the Lead Monitor, providing comments regarding their observations on all provisions, including affirmations of progress, reemphasis of areas of continuing concern, and making suggestions for strengthening existing provisional compliance plans.

Written reports from the various Monitors formed the basis for the DOJ Monitors' *Second Semi-Annual Monitoring Report*, which was issued by the DOJ's Lead Monitor on October 4, 2005.

Fourth Quarter Goals

In addition to working continuously to fully implement the various Action Plans for each provision of the Settlement Agreement, the goals for this reporting period were as follows:

- Address some mutually, agreed-upon adjustments to various Action Plans;
- Continue development of policies and procedures to support the Action Plans; and
- Refine the auditing and/or measurement tools used to determine compliance levels.

Monitors' Findings

The Monitors' report indicates that the County and LACOE have met the conditions established for the reporting period. The following section provides additional key observations noted by the monitors over this reporting period for each of the impacted County departments and LACOE.

MONITORS' KEY OBSERVATIONS

➤ Department of Health Services – Juvenile Court Health Services

- Medically fragile minors are being tracked appropriately as they move between facilities. (*Formalized monitoring approved for Provision #39, Youth With Special Needs, effective June 1, 2005.*)
- Medical records are being safely and securely transported between facilities. (*Formalized monitoring has been requested for Provision #41, Medical Records Transfer, with an effective date of November 1, 2005.*)
- Minors' side effects from psychotropic medications are being tracked and recorded appropriately. (*Formalized monitoring was approved for Provision #14, Record-Keeping, effective July 1, 2005.*)
- Minors' interactions with medical personnel are occurring with appropriate safeguards for confidentiality. (*Formalized monitoring was approved for Provision #42, Confidentiality, effective June 1, 2005.*)
- Minors are being routinely transported to medical appointments – (*Formalized monitoring has been requested for Provision #40, Transportation to Outside Appointments, with an effective date of October 1, 2005.*)
- Juvenile Court Health Services (JCHS) is preparing to implement an eye clinic at Central Juvenile Hall by April 1, 2006 (Provision #44, Eyeglasses).

➤ **Los Angeles County Office of Education**

- The Monitors have noted improvement in the following: Implementing a systematic student records retrieval and scanning process; conducting Individual Education Plan (IEP) meetings; parent (and surrogate parent) participation; the Student Planning Team (SPT) process; and the inclusion of Probation, Mental Health, Juvenile Court Health Services and other agencies in the IEP process and related educational services for minors.
- There is significant improvement in the implementation of the records retrieval process and scanning of student records into the database. There should be continued efforts to increase the follow-up of requesting student records if these records have not been received after the initial request. Some records are still not received in a timely manner.
- Although progress has been made by LACOE staff in reviewing student records of new enrollees, there needs to be increased improvement in this process to ensure that the records of minors received are being reviewed in a more timely manner to expedite the facilitation of appropriate Special Education services.
- LACOE must ensure that Mental Health and other agencies are provided education-related cross training by LACOE as outlined in the action plan.
- Individual Educational Plan (IEP) meetings are being held within legal time frames; however, annual or triennial IEP meetings are not always held within the timelines.
- There has been increased collaboration with Probation, Mental Health, Health Services, and other appropriate agencies to gather information and input in the SPT and IEP meetings.
- There has been an increase in the provision of required services for minors with IEPs; however, LACOE needs to ensure that students are consistently provided Speech and Language Services and Designated Instruction Services (DIS) as required in the IEP.
- There have been increased efforts to collaborate with Mental Health to ensure that identified students are routinely provided AB 3632 services.
- The Transition Planning goals for minors must be measurable. Additional and ongoing training for staff is necessary in this area.
- English Learner (EL) services are provided at all three facilities. The "New Comers" classes for EL students who score at the beginning and low-intermediate level on the California English Language Development Test have also been implemented in the halls. It is recommended that there is a consistent "EL Staff Leader" at each hall

to ensure that all EL duties to support the instructional process are completed on a daily basis.

➤ **Department of Mental Health**

- Mental Health remains diligent in securing high quality psychiatric coverage for the three juvenile halls and continually assesses their ongoing service provision needs. *(Formalized monitoring has been requested for Provision #8, Staffing, with an effective date of December 1, 2005.)*
- Youth are being routinely screened for serious mental health issues upon admission to juvenile hall. *(Formalized monitoring was approved, effective June 1, 2005.)*
- Assessments are being completed in a timely manner, although the overall content and quality of the assessment varies by clinician. *(Formalized monitoring has been requested for Provision #10, Assessments, with an effective date of November 1, 2005.)*
- Treatment Planning has improved at the three juvenile halls since the last monitoring period; however, there are concerns regarding the service level provided by the contracting agencies.
- Case management and counseling services have shown some improvement in concert with the implementation of the Individualized Behavior Management Planning (IBMP) process at the three juvenile halls. Some concerns remain regarding the aftercare plan documentation.
- Psychotropic medications are being appropriately prescribed and monitored by Psychiatrists. *(Formalized monitoring has been requested for Provision #17, Psychotropic Medications, with an effective date of August 1, 2005.)*
- Timely clinical follow-up assessment of minors on enhanced supervision levels for suicidal and/or self-harming behaviors (Level II and Level III) is not occurring as required, especially when minors move between facilities.

➤ **Probation Department**

- The safety of suicidal youth at the juvenile halls is an ongoing concern (Management of Suicidal Youth – Provision #25). The major concerns centered around inadequate monitoring of high-risk juveniles; inadequate staffing; inadequate environmental assessments; high-risk housing cells required modification to protect youth from engaging in self-harming behaviors; and minors who are considered Level III, high suicide risks, required supervision on a one-to-one basis.
- Achievement of substantial compliance for several of the provisions (#25 – Management of Suicidal Youth, #29 – Use of Force, #33 – Rehabilitation, and #35 –

Youth-on-Youth Violence) is being hampered by inadequate staffing levels noted, observed and reported throughout the three juvenile halls. Safety for staff and youth requires an adequate staff to youth ratio. The absence of a safe environment represents a significant liability for the County and impedes virtually all proactive programming efforts at the three juvenile halls.

- The reported uses of force have increased 12.5 percent between 2003 and 2004; youth violence within the three juvenile halls continues to increase. Youth-on-youth violence statistics for calendar years 2003 and 2004, as well as the first six months of 2005, show an upward trend of fights and assaults. Bureau-wide, the incidents of violence have increased from 2,094 in 2003 to 2,352 in 2004, a 12 percent increase;
- Staff are being trained in new crisis management techniques and appear to be employing them; however, inconsistent and/or inadequate staffing levels throughout the facilities consistently impact their ability to promote an effective behavior management program designed to reduce and/or control the levels of violence (fights and assaults) within the facilities.
- Staff within the three juvenile halls are utilizing the new Safe Crisis Management techniques and are relying on their newly acquired de-escalation skills with increasing frequency. *(Formalized Monitoring was approved for Provision #30, Supervision of Youth, effective December 1, 2005.)*
- The County and LACOE are making progress in creating a facility-wide behavior management program in the juvenile halls; however, it is indicated elsewhere in the reports (Provisions #27, Staffing, and Provision #29, Uses of Force), that the implementation and maintenance of the behavior management programs will be hampered by inadequate or inconsistent staffing.
- As part of the Behavior Management Program, the juvenile halls should incorporate a short-term substance abuse component into its behavior management program (Provision #33 - Rehabilitation). A substance abuse program for minors who remain in custody for longer periods of time needs to be developed (Provision #16 - Substance Abuse).
- The creation and implementation of additional CARE-type units for mentally ill youth was strongly recommended and will positively impact youth-on-youth violence.
- Probation is providing an effective grievance system for court wards, which should be further strengthened through effective response processes. *(Formalized monitoring is being requested for Provision #38, Grievances, with an effective date of October 1, 2005.)*

- The training of staff in mental health issues is ongoing. (*Formalized monitoring is being requested for Provision #20, Understanding Mental Health Needs, with an effective date of February 1, 2006.*)
- Incidents involving the use of Oleoresin Capsicum Spray (OC Spray) have been greatly reduced from 1,431 incidents in 2001 to 159 incidents in 2005.
- Incidents of youth-on-youth violence and use of force are immediately administratively reviewed. These incidents receive further scrutiny in weekly meetings attended by supervisors and managers. Strategies were proffered by the Monitors to improve the outcomes of these meetings.
- All agencies are involved in Individual Behavior Management Planning meetings where specialized programs are being created for minors who require such programming.

MONITORING STATUS OF COUNTY & LACOE PROVISIONS UPDATE

Thus far, 12 of the 50 settlement agreement provisions (24%) have been approved for formalized monitoring by the DOJ as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
#9	Screening	DMH	June 1, 2005
#14	Record-Keeping	DMH & JCHS	July 1, 2005
#21	Housing of Youth with Disabilities	Probation	June 1, 2005*
#30	Supervision of Youth	Probation	Dec. 1, 2005**
#34	Group Punishment	Probation	June 1, 2005*
#36	Youth Movement between Halls	Probation	July 1, 2005
#39	Youth with Special Needs	JCHS	June 1, 2005
#42	Confidentiality	Prob. & JCHS	June 1, 2005
#51	Security	Probation	Dec. 1, 2005
#67	Consent Forms	Prob., JCHS & DMH	June 1, 2005
#69	Document Review	All Agencies	Sept. 1, 2005
#68	Implementation Plan	All Agencies	June 1, 2005

* *Not noted in the Monitor's report, but has been granted formalized monitoring status.*

** *The County has been granted formalized monitoring status. LACOE is pending implementation of this provision. LACOE and Probation are monitored separately for Provisions #20, #22, and #30.*

In addition, the County has requested the Monitors to review and assess the progress made on the 11 provisions noted ahead for the purpose of granting formalized monitoring status. These provisions were reviewed by the Monitors during their recent monitoring visits scheduled from January 30, 2006 to February 11, 2006. The results will be covered in the next quarterly report.

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>
#8	Mental Health Staffing	DMH
#10	Mental Health Assessments	DMH
#17	Psychotropic Medications	Probation
#18	Restraints for Mental Health Crises	Probation
#19	Access to Care for Medical Services	Probation
#20	Staff Understand Mental Health Needs	Probation, DMH & JCHS
#37	Orientation to Juvenile Hall	Probation
#38	Grievances	Probation
#40	Transportation to Outside Appointments	Probation
#41	Medical Records Transfer	JCHS
#43	Access to Care for Mental Health Services	Probation

A detailed matrix outlining the current status of each provision is attached.

Auditor-Controller's Oversight of the Quality Assurance Team

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team which consists of representatives from DHS, DMH, LACOE, and Probation. The QA Team is responsible for monitoring 43 of the 50 settlement agreement provisions. (The remaining seven provisions are administrative-related and do not require formal monitoring by the Auditor-Controller.)

The QA Team monitors the progress of DHS, DMH, LACOE, and Probation to implement the 43 provisions. The monitoring is conducted monthly at each of the three juvenile halls. The QA Team discusses its findings with management of the respective departments, the Project Manager, and the DOJ monitors. The results of the QA Teams reviews support the DOJ's assessment of the County's progress to implement the paragraphs.

County Counsel, DHS, DMH, LACOE, and the Auditor-Controller concur with this report. Our next quarterly compliance progress report will be submitted in April, 2006, covering January 1, 2006 through March 31, 2006. The agencies will continue to implement the necessary changes and identify and proffer additional provisions for formalized monitoring assessment by the DOJ. We will continue to apprise your Board of any significant developments.

If you have any questions, please contact me at (562) 940-2501, or your staff may contact Ron Barrett, Chief, Detention Services Bureau at (562) 940-2503.

PH:RB:

c: Violet Varona-Lukens, Executive Officer, Board of Supervisors
David E. Janssen, Chief Administrative Officer
J. Tyler McCauley, Auditor-Controller
Raymond G. Fortner, Jr., County Counsel
Dr. Thomas Garthwaite, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
8. Staffing: The County shall staff the Juvenile Halls with sufficient qualified mental health professionals to meet the serious mental health needs of the Juvenile Halls' population. Staff shall be sufficient to screen incoming youth; complete specialized mental health assessments; timely and accurately diagnose mental illness, substance abuse disorders, and mental retardation; provide ongoing treatment; respond to crisis situations and provide follow-up care in a timely manner; coordinate with other staff to meet youths' needs; monitor youth on psychotropic medication; track laboratory results; and develop treatment plans where appropriate.	DMH	Implemented Consideration for Formalized Monitoring has been Requested	DMH has filled the majority of the positions for the Juvenile Hall Mental Health programs; this includes the majority of the additional supervisory positions. DMH remains diligent in securing high quality psychiatric coverage for the juvenile halls. DMH currently has both psychology and social work internship programs in the halls. Barriers to achieving full staffing include stigma associated with the correctional setting, hall location, and lack of space. DMH continues to assess whether the current level of staffing will be sufficient to meet the terms of the Settlement Agreement ("SA"). As the DOJ and the Monitor's evaluate progress and more clearly delineate the expectations under the SA, higher staffing patterns may be needed to achieve full compliance.
9. Screening: The County shall develop and implement policies, procedures, and practices for initial mental health screening to allow the identification of previously diagnosed and potentially existing mental health or substance abuse disorders, including potential suicidality. The County and LACOE shall develop and implement a system for LACOE to refer youth for mental health services when LACOE personnel have identified such needs.	DMH	Implemented Formalized Monitoring Initiated On June 1, 2005	Formalized monitoring for this provision was initiated on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.
10. Assessments: The County shall develop and implement policies, procedures, and practices for mental health assessments to timely and accurately diagnose mental illness, substance abuse disorders, and mental retardation, including potential suicidality. The County shall ensure that youth whose serious mental health and developmental disability needs cannot be met at the facility are transferred to settings that meet their needs.	DMH	Implemented Consideration for Formalized Monitoring has been Requested	Youth who have a positive screen on the MAYSI receive an assessment by the Mental Health staff. The DOJ monitors found that the DMH assessment short format was routinely completed in a timely manner (within 14 days) 90% of the time. The relevant history is included approximately 60% of the time. The County has instituted a checklist in order to identify youth with co-occurring disorders, which is being conducted with 90% of incoming youth. Diagnostic impressions are occurring just over 60% of the time. Action has been taken to increase the access to placements within acute hospital settings for youth in need of immediate services. This is an area that continues to be developed and protocols established. The Monitors recommended that the County consider enhancing its evaluation process to better assure that evidence of developmental disabilities are assessed and, if needed, to make appropriate referrals for services. The possibility exists that the current process which identifies such youths may be inadequate.
11. Treatment Planning: The County shall develop and implement policies, procedures, and practices for interdisciplinary treatment planning for youth with serious mental health needs, which would allow for the ongoing identification, goal setting, and monitoring of youths' target symptoms. As permitted by law, a representative of LACOE shall share information with regard to the youth's academic performance, and shall also be responsible for sharing needed information from the treatment planning process with education professionals serving those youth.	DMH	Pending Implementation	The monitors indicated that the treatment plan that the County has developed since the last monitoring period is excellent and is currently being implemented in all three facilities. Treatment planning in general has improved significantly since the last report due to the implementation of Individualized Behavior Management Planning (IBMP) in each of the facilities for youths that are experiencing behavioral or other kinds of problems. Representatives from Probation, JCHS, DMH and LACOE typically participate in this reviews. At times the youth participates in a part of the review. This process is laudatory and has show significant growth. Areas that require continued improvement pertain to aligning the recommendations from the treatment plans with the assessment information that was gathered, and improved documentation in the clinician's notes of the interventions that are being implemented. The Monitors indicate that minors who were assigned to DMH contract providers were not seen by many of the contracting agencies as required. This is a critical issue that needs to be addressed immediately. There does not appear to be any conclusive evidence that contracted employees from these private agencies are consistently following up with either the County or the youth.

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
12. Case Management: The County shall develop and implement policies, procedures, and practices for case management, which would allow for the implementation of the treatment plans and ensure that treatment planning follows each youth from facility to facility.	DMH	Pending Implementation	<p>The Monitors indicate that treatment plan coordination and care management have been significantly improved by the IBMP process. It appears that probation staff make youths available to their counselor/mental health worker. It was suggested that the County continue to expand and use the IBMP process as a way of effectively coordinating care and implementing effective treatment plans. It appears that if a youth is transferred from one facility to another, his/her IBMP is also transferred, which provides for continuity of care by the involved agencies.</p> <p>The summaries are being transferred in a timely and effective manner between facilities to inform the receiving facility that the youth needs mental health treatment. However, aftercare plans are occurring approximately 20% of the time, and substance abuse interventions are included in the plan approximately 25% of the time. The QA tool for this paragraph is being revised to address these concerns. These are areas of current focus for the County.</p>
13. Counseling Services: The County shall develop and implement policies, procedures, and practices to ensure the availability of sufficient and adequate counseling services that meet the goal of ameliorating target symptoms of identified mental illness.	DMH	Pending Implementation	<p>The Monitors indicate that there is considerable evidence that counseling services provided to youth have continued to improve. The County is administering the Brief Screening Inventory (BSI) to youth at intake and re-administering the assessment 21 days later in order to assess improvement. These reductions in these scores have demonstrated that the facilities are making an impact on the youth's acuity levels. CJH has been the most effective in this area. LP and BJN lag behind in providing an appropriate level of counseling services as reflected on the BSI. Most living units have mental health counselors assigned to, or even housed on, the units. The level of cooperation and interaction of probation staff and mental health staff varies slightly from unit to unit. The implementation of the IBMP process has allowed a multi-disciplinary team to develop individualized goals and structures to address the needs of each minor referred to the team, which further enhances available counseling resources.</p>
14. Record keeping: The County shall develop and implement a system to provide for adequate tracking of laboratory results and response to medication including side effects, adequate documentation of mental health services, and compilation of complete records. The system shall include documentation of those goals of mental health counseling and progress toward those goals.	DMH	Formalized Monitoring Initiated on July 1, 2005	<p>Formalized monitoring for this provision was initiated on July 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.</p>
15. Individualized Behavior Modification: The County shall develop and implement individualized behavior modification programs for individual youth where appropriate. If warranted, LACOE will develop and implement Behavior Support Plans, which will be incorporated into youths' Individual Learning Plans. If a special education pupil requires a Behavior Support Plan or Behavior Intervention Plan, the IEP team shall include this need in the IEP.	DMH PROB	Pending Implementation	<p>Probation and DMH have proposed strategies for providing individualized behavioral programs for youth and continue to collaborate and provide those specialized programs for identified minors. All three juvenile halls are utilizing the IBMP process to develop individualized behavioral plans to meet the needs of minors with behavioral difficulties. This quality of this process has shown significant growth in the last nine months. The audit tool for this paragraph has been created and is awaiting Monitor review and approval in February, 2006</p>
16. Substance Abuse: The County shall develop and implement policies, procedures, and practices to address substance use disorders appropriately.	DMH PROB	Pending Implementation	<p>The DOJ Monitors acknowledge that there are two populations of youth within the facilities; youth who are incarcerated for a short amount of time, and youth who are incarcerated for longer periods. Because of this, there should be different levels of intervention depending on the amount of time the youth is incarcerated. In their October, 2005 report, the Monitors recommend that the County ensure that drug education and drug awareness programs are implemented as a part of the new behavioral management and incentive program. Such efforts need to be consistently implemented and coordinated with the efforts of the mental health staff. It was determined during the previous visit that a committee of mental health and probation staff be established to develop the substance abuse intervention with Monitor assistance. The County has continued to move forward in hiring Dr. Lee Underwood to facilitate the development of this program as recommended by the Monitor. His expertise with diverse populations of youth and co-occurring disorders will be helpful.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
17. Psychotropic Medication: The County shall develop and implement policies, procedures and practices to ensure that psychotropic medications are prescribed, distributed, and monitored properly and safely. The County shall provide training to nursing staff regarding the side effects of psychotropic medication and require nursing staff to document the side effects that youth are experiencing.	DMH PROB	Implemented Consideration For Formalized Monitoring has been Requested Effective August 1, 2005.	Formalized monitoring for this provision was requested effective August 1, 2005. The Monitor will review this area and provide input during the February 2006 visit. If the monitor agrees to grant formalized monitoring, it will be effective August 1, 2005, or whatever date is deemed acceptable by the Monitor.
18. Restraints: The County shall revise policies, procedures, and practices to limit uses of restraints for mental health crises to circumstances necessary to protect the youth and other individuals, for only as long as is necessary, and to accomplish restraint in a safe manner.	PROB	Implemented Consideration for Formalized Monitoring has been Requested	Since the last Monitors Report, the reporting form for Soft Restraints has been modified and improved. The report form now includes all critical information regarding the reasons for their use and duration, and medical and mental health intervention. Probation has revised the Safe Crisis Management policy to include changes to the new reporting form and require that staff working in the CARE, SHU and Medical Units be trained in the application of soft restraints. The policy was provided to the Monitor in late August for review and comment. The Monitors have been asked to review this provision for consideration for formalized Monitoring during the next visit in February 2006.
19. Access to Care: The County shall develop and implement policies, procedures, and practices that allow youth to access mental health services without interference from custody staff, except as dictated by institutional safety needs.	PROB	Implemented Consideration for Formalized Monitoring has been Requested and is Pending Monitor Review of Data Submitted	Access to Care/Grievance Boxes are in place on the living units, at school and other locations across the campus. Youth are aware of the process and utilize it as necessary. The County and DOJ agreed to a change in the Action Plan to reflect a response time of 3 days for medical and mental health services that are non-emergent and 5 days for routine dental treatment. Compliance in this area exceeds the minimum 90 percent range. Formalized monitoring for this provision was requested effective October 1, 2005. The Monitor will review this area and provide input during the February 2006 visit. If the Monitor agrees to grant formalized monitoring, it will be effective on whatever date is deemed acceptable by the Monitor.

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
<p>20. Staff Understanding of Mental Health Needs: The County and LACOE shall ensure that all staff working with youth residents has the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to needs of youth with mental illness and developmental disabilities. As part of fulfillment of this provision, the County and LACOE shall mutually agree upon a system for information-sharing as permitted by law, including but not limited to active and organize seeking of consents by youth and parents to allow sharing of needed information not otherwise permitted by law, to ensure that information about a youth needed for the youth's safety or to meet a serious medical, serious mental health or special education need is communicated to those individuals who need such information to care for or educate the youth.</p>	<p>PROB DMH LACOE JCHS</p>	<p>COUNTY: Implemented</p> <p>Consideration for Formalized Monitoring will be requested on February 1, 2006</p> <p>LACOE</p> <p>Not Implemented</p>	<p>COUNTY: The County agencies have continued their training of staff to ensure that that all staff working with youth residents have the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to the needs of youth with mental illness and developmental disabilities. Probation has completed training approximately 90% of their staff. JCHS has completed training for approximately 80% of their staff and DMH has completed 90% of its training.</p> <p>The IBMP process, which can be used to systematically identify developmentally disabled youth through the incident reporting process, has been implemented for nine months and is working well. The IBMP process allows the various agencies to meet and share information necessary for the provision of services to minors. Once identified, appropriate special programming for youth with special needs; particularly those youths who may be developmentally delayed is initiated.</p> <p>LACOE: LACOE Staff at the three juvenile halls were provided training from the Department of Mental Health to better understand the mental health needs of the minors. This training was provided to all staff in the 3 halls who have direct or indirect contact with the minors on the following dates and locations: Barry J. Nidorf – October 13, 2005; Los Padrinos – September 22, 2005; and Central is scheduled to receive the training. New staff or staff who were absent during the training, will be scheduled for the training with Mental Health. At each site, the records of attendance and the list of staff remaining to be trained should remain current and on file.</p> <p>NOTE: Compliance requirements are bifurcated for Probation and LACOE for Paragraphs 20, 22 and 30. Each agency will be monitored separately for compliance.</p>
<p>21. Housing of Youth with Disabilities: The County shall develop and implement policies, procedures, and practices to ensure that youth with mental illness and developmental disabilities are housed in settings that are no more restrictive than safety and security require.</p>	<p>PROB</p>	<p>Formalized Monitoring Initiated</p>	<p>Formalized monitoring for this provision was initiated on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
<p>22. Training (Suicide Prevention): The County and LACOE shall ensure that all Juvenile Hall and LACOE staff who works with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as location and use of a cut-down tool in the event of a youth's attempted hanging.</p>	<p>PROB JCHS DMH LACOE</p>	<p>COUNTY Implemented</p> <p>Consideration for Formalized Monitoring will be requested on February 1, 2006</p> <p>LACOE Not Implemented</p>	<p>COUNTY: The County and the LACOE have continued training their staff in suicide prevention. A four-hour suicide prevention training module has been developed. Through December 31, 2005, the Probation Department is at full compliance with the training requirement and the Department of Health Services-Juvenile Court Health Services has trained 90% of their staff. The Department of Mental Health initiated training of their staff in September, 2005 and has trained approximately 80% of their staff. It is anticipated that all training in this area by the County agencies will be completed by February 28, 2006 and that formalized Monitoring consideration will be requested effective March 1, 2006.</p> <p>NOTE: Compliance requirements are bifurcated for Probation and LACOE for Paragraphs 20, 22 and 30. Each agency will be monitored separately for compliance.</p> <p>LACOE: LACOE staff at Barry J. Nidorf have received the prescribed suicide prevention training on November 9 and 10, 2005; and staff at Central have received the prescribed suicide prevention training on December 8 and 9, 2005. The Los Padrinos staff is scheduled to receive the prescribed suicide prevention training on February 22 and 23, 2006. New staff or staff who were absent during the training, will be scheduled for the training with Mental Health. At each site, the records of attendance and the list of staff remaining to be trained should remain current and on file.</p>
<p>23. Sharing of Information: The County and LACOE shall develop and implement policies, procedures, and practices to ensure that arresting officers, probation, medical, education and mental health staff share appropriate information regarding potentially suicidal or self-harming youth. The County shall ensure that appropriate outside officials and family members are notified following a suicide attempt.</p>	<p>PROB</p>	<p>Pending Implementation</p> <p>The County Anticipates Requesting Formalized Monitoring For this Paragraph on March 1, 2006</p>	<p>Monthly audits demonstrate that Facility logs and reports facilitating inter-departmental communications are being maintained and are current. The Monitors note that there is ample evidence that the Departments are communicating important medical and mental health issues on minors to their parents/guardians and the appropriate Courts. The Mental Health staff currently assesses youth within the individual living units and note their progress on the green "Mental Health Recording" forms in the unit charts. Probation and DMH have revised the "Mental Health Recording" form, which requires each clinician, after assessment and/or counseling services are rendered to formally record their findings, recommended supervision levels and specialized instructions on the form. Effective February 1, 2006, copies of the form will then be placed in the Mental Health Chart, two copies will go to Probation Unit Staff (one copy for the behavior file and the other for the unit's Mental Health Log), and a copy will be provided to the central DMH office at the facility. Probation has developed a policy and procedure that will be placed in effect on February 1, 2006 that will require staff coming on duty each shift to review the "Mental Health Recording" (green-colored sheet) file and initial that they have been made aware of minors with medical or mental health issues that require their attention or knowledge. All of the policies and procedures for this particular paragraph have been developed and are being implemented on or before February 1, 2006. The County will request consideration for formalized monitoring in this area on March 1, 2006.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
<p>24. Assessment: The County shall ensure that licensed mental health professionals provide timely assessment and daily reassessment of youth deemed at risk for suicidal behaviors, or more frequent reassessment as appropriate, as well as appropriate follow-up assessment once youth are discharged from suicide precautions.</p>	DMH	Pending Implementation	<p>The DOJ Monitors indicated in their October, 2005 report that the timely assessment of level 2 and level 3 youth is not being routinely achieved due to tracking difficulties. During this quarter, Probation and the Department of Mental Health have collaborated on the creation and revision of four different policies and procedures that are designed to significantly improve the tracking of all Level 2 and Level 3 minors in the facilities and ensure that mental health consultation follow-ups occur every twenty four (24) hours for minors on Level 3 status and every seventy-two (72) hour for minors on Level 2 statuses.</p> <p>Probation and DMH have revised the "<i>Mental Health Recording</i>" form, which requires each clinician, after assessment and/or counseling services are rendered to formally record their findings, recommended supervision levels and specialized instructions on the form. Effective February 1, 2006, copies of the form will then be placed in the Mental Health Chart, two copies will go to Probation Unit Staff (one copy for the behavior file and the other for the unit's Mental Health Log), and a copy will be provided to the central DMH office at the facility. Probation has developed a policy and procedure that will be placed in effect on February 1, 2006 that will require staff coming on duty each shift to review the "<i>Mental Health Log</i>" <i>each shift</i> and initial that they have been made aware of minors with medical or mental health issues that require their attention or knowledge.</p> <p>In addition to the foregoing, three (3) additional policies and procedures have been revised:</p> <p>The <i>Probation Detention System Update</i> (PDS) form has been revised to assist in tracking minors between facilities and within facilities.</p> <p>The <i>Request for Mental Health Consultation</i> form has been revised to allow for better tracking of at-risk Level 2 and level 3 minors after the consultation has been completed.</p> <p>The Probation Department's <i>Suicide Prevention Policy</i> has been revised with the assistance of the Monitors and our consultant. It will be implemented in March of 2006..</p> <p>Tracking of these processes by the Probation and Department of Mental Health administrative offices at each juvenile hall will allow for a single daily list of minors on Levels II and III to be compiled and made available to all agencies so that appropriate precautions and treatment can be incorporated into the daily programs.</p> <p>Mental Health has developed an electronic case management system, which is scheduled to become operational in the very near future. This case management system will further enhance DMH's ability to track and treat as-risk youth. The Monitors and the DOJ attorneys have indicated that they will review the County's progress toward implementing this program during the next visit.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
<p>25. Management of Suicidal Youth: The County shall and LACOE shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs (County) and, if needed, creation for a youth of a Behavior Support Plan or a Behavior Intervention Plan (LACOE), and decisions about appropriate clothing, bedding, and housing (County).</p> <p>Additional actions taken by the County (contd. from column on right):</p> <ul style="list-style-type: none"> Conducted a review of the Special Handling rooms where Level 3 Supervision minors are housed and removed or repaired protuberances that can be used as a base for attaching ligature-type devices, resealed ventilation screens, and resealed/caulked the bases of surveillance cameras; Specially designed, suicide-prevention type beds were ordered for specified rooms in all three juvenile halls' Special Handling Units. Some beds have been received and are being installed at the facilities; A collaborative committee consisting of Probation, DMH, and JCHS completed a review of all policies and procedures relating to the care and treatment of at-risk youth. A revised suicide prevention policy has been drafted and is pending review. The policy and procedure should be implemented in March, 2006; On October 11, 2005, the Board of Supervisor instructed the Probation Department, to develop a plan that will address all of the pending issues to fully implement the remaining DOJ findings in their Second Semi-Annual Monitoring Report. Subsequently, on January 12, 2006, the CAO prepared a Board memorandum recommending an additional 237 line-level peace officer staff (of which 94 positions for the three juvenile halls and 10 DMH positions are recommended to improve supervision and treatment of self-harming and suicidal minors); The Probation Department continues to clearly recognize the need to ensure that a safe environment is provided for detained minors in the juvenile hall facilities; and Pending the Boards approval of the recommended staffing increases, the Probation Department has shifted some stronger, more experienced staff from regular, but critical supervision assignments to staff both the Level 3 Supervision dormitory units and our Special Handling Units. This has required Probation to replace those staff with as-needed and overtime staff as available. In addition, Probation has instituted enhanced administrative oversight procedures to ensure that appropriate reviews, investigation, and classification processes occur. 	<p>DMH PROB</p>	<p>Pending Implementation</p>	<p>In their October, 4, 2005 "Second Semi Annual Monitoring Report," and a subsequent letter to the Department of Justice, the Monitors indicated that the safety of suicidal minors housed in the Special Handling Units was of concern during their visits. They indicated that their review of suicide attempts indicated that: a) inadequate monitoring of high risk minors had occurred; b) the environmental assessment undertaken for potential self-harming activities on the part of Level III minors was not adequate; c) High-risk housing cells were not modified to protect youth from engaging in self-harming behaviors; d) the facility staffing was inadequate, which they noted appeared to be a consistent concern within the juvenile halls as a whole; e) the process for classifying self-harming and/or suicide attempt incidents appeared to be problematic and confusing; and f) suicide attempts do not appear to be investigated after their occurrence. The Monitors indicated that the County must review all settings in which Level III suicidal youth are placed, with particular emphasis on staffing levels that are appropriate for high-risk units. Minors who are considered Level III suicide risks must be supervised on a one to one basis by a single staff member who has no other related operational responsibilities except to supervise that one minor on a continuous basis without interruption. They also requested a review of suicide prevention policies. The DOJ attorneys visited the facilities on December 6, 7, and 8 and reaffirmed the concerns posed by the Monitors.</p> <p>The following actions were taken by the County:</p> <ul style="list-style-type: none"> In late October, 2005 each facility opened a dormitory-type unit to house minors on Level 3 Supervision status who are not physically aggressive and do not pose a threat to the safety and security of the facility; Minors who are physically aggressive and/or assaultive, or whose security issues preclude them from a dormitory-type supervision setting are housed in the Special Handling Unit in individual rooms with the door open and a single dedicated staff member assigned to provide direct visual supervision of a minor at all times to ensure they do not acquire contraband or engage in self-harming activities; Administrative and supervisory staff, as well as staff from the Auditor-Controller's Multi-Agency DOJ Audit Team conduct random and unannounced visits and/or audits of the various units where Level 3 Supervision status minors are housed to ensure compliance with this requirement; All suicide attempts are reviewed by supervisory staff immediately, and either that same day or within 24 hours by facility administrators, who will initiate investigations as necessary; On regular business days, facility administrators meet to review all incidents of self-harm or suicide attempts that occurred the previous day to ensure appropriate actions are taken; All self-injury and suicide attempts are tracked in a central facility database and filed; Effective On October 28, 2005, all incidents involving self-injurious and/or suicidal behaviors are referred to the facility's Individualized Behavior Management Planning (IBMP) team for review and appropriate classification each week. The IBMP team ensures incidents are appropriately classified, ensures appropriate services are recommended for the minors involved, and recommends actions that should be taken by the facility and/or individual staff members to minimize the possibility of future incidents of a like nature. The Probation Department's suicide prevention consultant supported the use of the IBMP team for this purpose; The IBMP team acts as the facility's suicide prevention committee and conducts a monthly review of all suicide attempts made within the facility to ensure that recommendations made by the IBMP team have been implemented as requested. The committee also reviews incidents looking for trends and/or problem areas or units where additional assistance, including providing services to minors, training of staff, and unit staffing changes, may be necessary and makes recommendations; <p>← PLEASE SEE ADDITIONAL ACTIONS TAKEN BY THE COUNTY THAT ARE NOTED IN FIRST COLUMN ON THE LEFT SIDE OF THIS SECTION.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
26. Care for Self-Harming Youth: The County shall develop a continuum of services and responses to meet the needs of self-harming youth, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.	DMH PROB	Pending Implementation	The Monitors indicate that Mental Health staff has improved their capacity to identify and assess youth who engage in self-harming behaviors, and are making appropriate decisions concerning the level of supervision that the youth should receive. The Monitors suggested that DMH and custody staff, who work with at-risk youth, should be trained in a cognitive behavioral approach such as Dialectical Behavior Therapy (DBT) in order to effectively manage suicidal and self-harming youth. The focus for training DMH staff should be on the strategies by which staff can help youth manage or reduce self-harming behaviors. Probation staff working with mentally ill youth in specialized units should understand the DMH intervention strategies (inclusive of DBT) in order to support it in their interactions with the youth. The Monitors have indicated a desire to be kept abreast of progress and changes in these areas.
27. Staffing: The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.	PROB	Pending Implementation	<p>The Monitors, in their October report indicated that the achievement of substantial compliance for several of the provisions (25) – Management of Suicidal Youth, (18, 28, 29 and 32) – Use of Force, (33) – Rehabilitation, and (35) – Youth on Youth Violence is hampered by inadequate staffing levels noted, observed and reported throughout the three juvenile halls. They noted further that, “inadequate staffing is, perhaps, the single greatest impediment to providing effective rehabilitative programming, ensuring the safety of suicidal minors, reducing youth on youth violence and reducing the number of incidents involving the use of force at the three juvenile halls... Facility safety and security requires an adequate staff to youth ratio. The absence of a safe environment represents a significant liability for the County and impedes virtually all proactive programming efforts at the three juvenile halls.”</p> <p>Probation has been working with the Department of Human Resources and the CAO’s office to develop a staffing plan for the three juvenile halls to address the issues outlined. On January 12, 2006, the CAO prepared a Board memorandum entitled “Plan to Fully Implement the Department of Justice Requirements” to address these concerns. The CAO is recommending an additional 237 Probation-related line-level staffing positions for the three juvenile halls, as well as 10 DMH positions designed to 1) increase safety for detained youth and juvenile hall staff; 2) ensure proper training of staff in new policies and practices; and 3) properly support the consistent delivery of new and existing services. This issue went before the Board of Supervisors and was approved on January 31, 2006.</p>
28. Chemical Restraint: The County shall develop and maintain policies, procedures, and practices to restrict the use of Oleoresin Capsicum (OC) spray and to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent wherever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors’ instructions, and ensure that decontamination occurs properly.	PROB	Pending Implementation	<p>The Probation Department has trained its employees in "Safe Crisis Management," which includes the proper use of chemical restraints. In addition, the Probation Department has submitted for review to the Monitor and the Department of Justice a Directive entitled, "Safe Crisis Management Policy." The Monitor reports that the reporting of and supervisory review of use of Chemical Restraint is steadily improving.</p> <p>Since the initiation of the Department of Justice investigation of the three juvenile halls, the use of chemical restraints has been dramatically reduced. In 2001, OC was used 1431 times; in 2002, 624 times; in 2003, 425 times; and in 2004, it was used 159 times. Statistics for the current year indicate usage level commensurate with that of 2005.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
29. Use of Force: The County shall develop and implement a comprehensive policy and accompanying practices governing uses of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.	PROB	Pending Implementation	<p>The Probation Department has completed the training of its employees in "Safe Crisis Management," which emphasizes programming and de-escalation techniques. It also includes, when required, the proper use of physical and chemical restraints. The Monitor's direct observations and review of reports indicate that the staff within the three juvenile halls are utilizing the new "Safe Crisis Management" techniques and are relying on their newly acquired de-escalation skills with increasing frequency. However, inconsistent and/or inadequate staffing levels throughout the facilities' consistently impact staff's ability to promote an effective behavior management program designed to reduce and/or control the levels of violence (fights and assaults) within the facilities. Between one-third and one-half of the current uses of force result from staff intervening in increasing incidents of youth on youth violence.</p> <p>The Probation Department has revised its Use of Force Policy and has proffered it to the Monitors for review and comment. It is anticipated that the finalized policy will be issued in March, 2006.</p> <p>In their most recent report, the Monitors expressed concerns regarding a 12.5% increase in the use of force between 2003 and 2004. The Probation Department reported that in calendar year 2003 there were 1535 uses; and in 2004 there were 1727. The frequency of use of force incidents varies widely between facilities. Two facilities have reduced the use of force while one has seen a significant increase. Comparing year-to-date use of force data, for the first six months of 2004 and 2005, LP reports a reduction from 236 to 176; CJH reports a reduction from 340 to 269; and BJN reports an increase from 293 to 407. The Monitor suggested that the Probation Department examine existing trends and embark on strategies to minimize the need to use force.</p>
30. Supervision of Youth: The County shall ensure that staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis counseling, youth development, and supervision. The County and LACOE shall develop and implement mechanisms for mutual cooperation to ensure that responsibilities that are shared between the County and LACOE are adequately and appropriately addressed.	PROB LACOE	COUNTY Formalized Monitoring Initiated Effective December 1, 2006 LACOE Pending Implementation	<p>COUNTY: Formalized Monitoring for this provision was initiated for the County on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.</p> <p>Per LACOE's approved action plan, Crisis Prevention Intervention (CPI) training is being provided to achieve compliance in this area. Staff at Central have received the prescribed Crisis CPI Training on October 13, 20, and 27, 2005. Staff at Barry J. Nidorf have taken the CPI training in January 2006, and the staff at Central will receive the training March 9, 16, and 23, 2006. New staff or staff who were absent during the training, will be scheduled for the training with certified CPI trainers from LACOE. At each juvenile hall, the records of attendance and a list of staff remaining to be trained should remain current and on file.</p>
31. Child Abuse Investigation: The County shall develop and implement a system for timely, thorough, and independent investigation of alleged child abuse.	PROB	Pending Implementation	<p>The Probation Department identified a Director to head the Child Abuse Investigations Unit. Staff recruitment has continued and staff are being brought on board and trained. Contact has been initiated with the Sheriff's Department, LAPD and the District Attorney's offices and investigative protocols have been developed. The unit members continue to attend training to improve their skills.</p> <p>The Unit is now functional and responses to allegations of child abuse are occurring within the three juvenile halls, usually within an hour or two of the incident being reported to the unit.</p> <p>The Monitor has indicated concern that the Department has yet to establish an "Office of Independent Review" staffed by an independent counsel (or like individual), who is not an employee of the Department. This independent party shall review these investigations and, after approval, refer the investigations to the Chief Deputy of the Probation Department for review and initiation of disciplinary action as appropriate, and/or referral to the District Attorney for review for potential criminal charges.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
32. Use of Force Review: The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.	PROB	Pending Implementation	<p>The Monitors, in their October report, noted that the Probation Department has established use of force review committees at each juvenile hall. Each hall has a designated Division Director who leads a weekly meeting and discussion with building supervisors in attendance. Their discussions center on use of force and restraint incidents occurring in the previous week. The Monitor indicates that since the last Monitoring report, Probation has improved their reporting and review of individual incidents, but have not yet implemented strategies to address and reduce uses of force facility-wide. A need still exists to proactively intervene with staff and residents who are repeatedly involved in force incidents.</p> <p>A computerized tracking list called the Use of Force Administrative Tracking Log has been created. This log tracks staff who, due to multiple uses of force (three or more in a six month period), have their performance reviewed to determine whether the multiple uses of force are appropriate or indicate a need for remedial training or some other form of intervention. These performance reviews have begun at each facility. A policy and procedure for this process needs to be created.</p>
33. Rehabilitation: The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.	PROB LACOE	Pending Implementation	<p>Dr. Lee Underwood (who was recommended by the DOJ) has been contacted by the County to facilitate the development of the overall behavior management programming concept, as stated in Paragraph 16. The IBMPs have been extremely useful and the facilities have continued to implement structure around these meetings.</p> <p>The County has produced a concept paper and forwarded it to the Monitors for review that describes a proposed revision to its daily living/behavior management program. The concept paper recognizes the need to provide incentives for the youth who demonstrate compliant and pro-social behaviors. The programming efforts will include the following:</p> <ul style="list-style-type: none"> ▪ Revision of and consistent implementation of the EXCEL program. ▪ Provide additional training concerning strategies of interventions, skills development and measurable goals. ▪ The culture of the environment should be focused on providing incentives that the youth are willing to work toward (e.g., rewards and programming privileges). This will facilitate unit management as well as individualized treatment planning. ▪ Integrate the merit ladder into the current system to motivate youth to work towards compliance with program goals. ▪ The County should ensure that gender specific program objectives are clearly articulated in the plan. ▪ Administrators and supervisors at the three facilities are working to develop a system which will manage the time demands on staff that the growth of this program will cause. <p>The Monitors note that the IBMP process has been extremely useful and the facilities have continued to implement structure around these meetings.</p>
34. Group Punishment: The County shall ensure that staff does not engage in group punishment implicating individual rights of which juveniles may not be deprived without due process protections, in response to individual youths' behavior violations, absent exigent security concerns.	PROB	Formalized Monitoring Initiated Effective June 1, 2005	<p>Formalized monitoring for this provision was initiated on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
<p>35. Reduction of Youth-On-Youth Violence: The County and LACOE shall develop and implement a strategy for reducing youth-on-youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics and violence reduction techniques.</p>	<p>PROB LACOE</p>	<p>Pending Implementation</p>	<p>The Monitors noted that each hall has weekly Youth on Youth Violence (YOYV) committee meetings that are conducted in conjunction with the Use of Force Committee meetings using the same format. They discuss individual fight incidents and the overall trends facility-wide. As with the Use of Force Committee (see Paragraph 32), the facilities have made strides in improving their reporting and review of individual incidents but have not yet employed strategies to reduce (quantitatively) the facility-wide youth on youth violence.</p> <p>The youth on youth violence statistics for calendar years 2003 and 2004, as well as the first six months of 2005, show an upward trend of fights and assaults. Bureau-wide the incidents of violence have increased from 2094 in 2003 to 2352 in 2004, a 12% increase. In the first six months of 2005, trends show the number of incidents at 1357, or projected for one full year at or over 2700. All three juvenile halls showed an increase in youth on youth violence in the first six months of 2005 as compared to 2004.</p> <p>Recently, the three halls initiated some strategies aimed at dealing with repeatedly assaultive individuals by referring them to the Individual Behavior Management Program (see Paragraph 33). The facilities have also stepped up their efforts to inform the Juvenile Court of the violent and/or assaultive behavior of repeat offenders. One facility, BJN, has begun a pilot, incentive program to that rewards housing units with the best weekly records for reducing violence and other related behaviors.</p> <p>The Monitors indicate that expanding access to Care Units for mentally ill youth who are aggressive is likely to have an impact on youth on youth violence. Additionally, the development of enhanced incentive programs (paragraph 33) that facilitate youth participation in activities and individual behavior management plans that emphasize skill development will have a significant impact on youth on youth violence during the next monitoring period. Implementing these recommendations should reduce the high rate of violence.</p> <p>The Monitor's direct observations and review of reports indicate that the staff within the three juvenile halls are utilizing the new "Safe Crisis Management" techniques and are relying on their newly acquired de-escalation skills with increasing frequency. However, inconsistent and/or inadequate staffing levels throughout the facilities' consistently impact staff's ability to promote an effective behavior management program designed to reduce and/or control the levels of violence (fights and assaults) within the facilities. In addition, the continuing high frequency of youth on youth violence exacerbates the Probation Department's attempts to reduce the frequency in which physical or chemical intervention is utilized. Between one-third and one-half of the physical or chemical interventions are the result of incidents of youth on youth violence.</p> <p>The Monitors further indicate that safety for staff and youths requires an adequate staff to youth ratio. The absence of a safe environment represents a significant liability for the County and impedes virtually all proactive programming efforts at the three juvenile halls. The County should take the preceding into consideration and endeavor to improve the staffing levels at the three juvenile halls.</p>
<p>36. Youth Movement Between Halls: The County shall ensure that movement of youth residents between facilities does not interfere with ongoing testing or provision of medical, mental health, or educational services, unless court proceedings, treatment or security needs require such movement. LACOE shall provide appropriate information to the County to support implementation of this provision.</p>	<p>PROB</p>	<p>Formalized Monitoring Initiated Effective July 1, 2005</p>	<p>Formalized Monitoring for this provision was initiated on July 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
37. Orientation: The County shall ensure that all youth, including those who are disabled or Limited English Proficient receive orientation sufficient to communicate important information such as how to access the grievance system, medical care and mental health services, or report staff misconduct.	PROB	Implemented Consideration for Formalized Monitoring has been Requested	The Monitor indicated that the County appears to be in implementation of this provision. The Monitor questioned the orientation process and asked for some adjustments to be considered for formalized Monitoring. In response to this change in the Action Plan to reflect a response time of 2 weeks on a staggered timeline scale. In June, the Monitor indicated that it is not possible to determine the time of admission and time of completion of the orientation process. The Orientation Form was changed to reflect this change. The Monitor also indicated that additional language and requested that these documents be created and requested changes to the documents (which were not made). Compliance in this area exceeds the minimum 90 percent provision and may be considered for formalized Monitoring during the next quarter.
38. Grievance System: The County and LACOE shall develop effective grievance systems to which youth have access when they have complaints, ensure that grievances may be filed confidentially, and ensure that they receive appropriate follow-up, including informing the author of the grievance about its outcome and tracking implementation of resolutions.	PROB	Implemented Consideration for Formalized Monitoring has been Requested	The Monitors indicate that the County has greatly improved its grievance system. Staff at all three juvenile halls appear to be taking the grievance process seriously. In June, there were some instances of grievances, especially when another Department or agency was involved. These issues were addressed in August, 2005 for review for consideration for formalized Monitoring. The County is awaiting the Monitor's data for review. The County is awaiting the Monitor's data for review. Compliance in this area now exceeds the minimum 90 percent provision and may be considered for formalized Monitoring during the next quarter.
39. Youth with Special Needs: The County shall develop and implement a system to ensure that youth with chronic illnesses, serious communicable diseases, physical disabilities, terminal illnesses, serious mental health needs, developmental disabilities, and those who are pregnant receive timely and adequate medical care.	JCHS	Formalized Monitoring Initiated Effective June 1, 2005	Formalized monitoring for this provision was initiated in June 2005. The (QA) Team, facilitated by the County Auditor continues to monitor progress in this area on a bi-monthly basis throughout the year.
40. Outside Appointments: The County shall ensure that youth scheduled for medical appointments outside the institution are transported to these appointments.	PROB	Implemented Consideration for Formalized Monitoring has been Requested	A Medical Appointment Team (MAT) or medical transport unit was established at the three juvenile halls. This new unit has significantly improved medical appointments and helped to ensure that minors receive timely medical treatment. Though the MAT has been in operation for several months, it has yet met the Substantial Compliance Standard of transporting youth to scheduled appointments on time. Internal adjustments are being made to improve compliance in this area now exceeds the minimum 90 percent provision and may be considered for formalized monitoring during the next quarter.

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
41. Medical Records Transfer: The County shall develop and implement an effective system for transferring medical records from one facility to another so that youth receive timely and consistent medical services.	JCHS	Implemented Consideration for Formalized Monitoring will be Requested in February, 2006	<p>The Monitor noted (in July, 2005) that while records are being transported between facilities and reviewed appropriately, there are some documentation processes that need further refining to ensure adequate records tracking. The recommended changes were implemented immediately.</p> <p>The Monitor noted that there has been little movement on developing an electronic health information system with a needed electronic health record (EHR) component. The Monitor recommended that an investment be made in an independent electronic health information system (network) with the capacity to interface with the Probation Department's client database and DHS databases. This approach would be collaborative, less expensive and more customizable to the specific needs of the health service.</p> <p>The major component of this provision requires that the County develop and implement an effective system for transferring medical records from one facility to another so that youth receive timely and consistent medical services. The County has made the recommended adjustments in record transfers and believes it has met the provision's main objective based on the Monitor's written findings. Accordingly, the County will be requesting review for formalized monitoring purposes during the next quarter.</p>
42. Confidentiality: The County shall develop and implement policy, procedures, and appropriate training of medical and correctional staff to ensure privacy and confidentiality in all medical encounters, except as dictated by institutional safety needs and due process rights of youth.	PROB JCHS	Formalized Monitoring Initiated Effective June 1, 2005	Formalized monitoring for this provision was initiated on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.
43. Access to Care	PROB	Implemented Consideration for Formalized Monitoring has been Requested	<p>Access to Care/Grievance Boxes are in place on the living units, at school and other locations across the campus. Youth are aware of the process and utilize it as necessary. The County and DOJ agreed to a change in the Action Plan to reflect a response time of 3 days for medical and mental health services that are non-emergent and 5 days for routine dental treatment. Compliance in this area exceeds the minimum 90 percent range.</p> <p>Formalized monitoring for this provision was requested effective October 1, 2005. The Monitor will review this area and provide input during the February 2006 visit. If the Monitor agrees to grant formalized monitoring, it will be effective on whatever date is deemed acceptable by the Monitor.</p>
44. Eyeglasses: The County shall ensure that youth in need of eyeglasses receive them in a timely manner.	JCHS	Pending Implementation	The new in-house eye clinic at CJH is set to open in April of May of 2006.. The space and staffing requirements for an in-house eye clinic at CJH have been identified. JCHS is moving forward to implement this service. This should resolve the primary limiting step of providing eyeglasses, obtaining eye examinations and filling prescriptions for minors in a timely manner.

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
45. Hygiene: The County shall ensure that medical and pharmaceutical areas are maintained hygienically, and shall establish an infection control program.	JCHS PROB	Pending Implementation	The Monitor has been working very closely with the Probation Department's Management Services Bureau on this provision. The final language of the paragraph was approved and the compliance component, including the conduct of joint JCHS and Management Services Bureau (MSB) inspections, was finalized. MSB is developing an inspection tool for evaluating its performance in the medical units. In addition, a JCHS/MSB joint inspection form is being developed. It should be ready for evaluation by the next visit in December, 2005. The Monitor has expressed concern regarding the janitorial services provided to the Medical Unit and has suggested a review of contracting requirements.
46. Special Education: The County and LACOE shall develop and implement a systematic, comprehensive process to locate, screen, identify and provide appropriate services to all youth through age 21 with disabilities who require special education services.	LACOE	Implemented	<p>There has been noted improvement in student records retrieval, the planning and facilitation of Individual Education Plan (IEP) and Student Planning Team (SPT) meetings, parent participation, and the utilization of the database to track student information. Annual and Triennial IEPs are not regularly occurring within timelines. Although the maintenance of student records has improved, there must be sufficient staff at each juvenile hall to maintain the student records system on a daily basis. LACOE continues to involve Probation, Mental Health, and Health Services in the identification of minors who may qualify for special education services. Parents (or surrogate parents) are participating in the IEP meetings. Although LACOE has made progress in adhering to timelines for providing special education services, staffing needs and frequent student movement are impacting LACOE's ability to consistently provide IEP services for all special education minors within the legal timelines.</p> <p>The staff at the sites should be using the interview protocol questions that are designed to help identify students who may qualify for special education. Staff should have consistent documentation that these questions are asked of every new enrollee. LACOE should provide the appropriate training to the appropriate LACOE staff in assistive technology, transition goal writing, and special education eligibility.</p> <p>LACOE should also provide the special education eligibility training to the designated Mental Health staff at the juvenile halls.</p>
47. Related Services: LACOE shall provide related services to special education students with needs for these services.	LACOE	Implemented	<p>Designated Instruction Services (DIS) are not consistently provided to all identified students with an IEP.</p> <p>Vision and hearing screenings for special education students are taking place; however, LACOE should ensure that all students with hearing impairments receive ongoing services from an audiologist or itinerant teacher for the deaf and hard of hearing.</p> <p>Staff from LACOE and Mental Health have been collaborating to improve the referrals for AB3632. Although there are still some concerns regarding LACOE psychologists making referrals of students for AB3632, the education monitor and the two agencies are making progress in resolving all the issues.</p>
48. Parent Participation: The County and LACOE shall utilize a range of methods to facilitate parent participation in Individualized Educational Program (IEP) meetings.	LACOE	Implementation	Parents are invited to their children's IEP. However, LACOE should document all attempts to contact parents and ensure that there are frequent follow-up calls to reach parents and invite them to participate in their child's IEP.

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
49. Transition Planning and Services: The County and LACOE shall provide adequate transition planning and services for all eligible youth with disabilities	LACOE	Implementation	There is evidence that LACOE is providing students who are 16 years old or older transition plans, however the transition plan goals and objectives are still not measurable. Training should be provided for staff in writing appropriate transition goals.
50. Materials, Space and Equipment: The County and LACOE shall ensure that all classes, including those held inside residential units, have appropriate materials, space, and equipment.	LACOE	Implementation	<p>The instructional minutes are above the 240 minute minimum and there is compliance in this area.</p> <p>There needs to be increased discussion between LACOE and Probation regarding facilities issues that could have a possible adverse impact the delivery of educational services</p> <p>At the 3 juvenile halls, staff provide EL instructional services in a "Newcomer Center" for students whose language proficiency is beginning to intermediate. "Newcomers" are identified as students who score at the beginning and low-intermediate levels on the California English Language Development (CELDT) test. This class provides intensive English Language Development (ELD) instruction to recent immigrant students who have very limited English language proficiency. The goal of the "Newcomer Class" is to accelerate the students' ELD and literacy skills, including academic vocabulary, thereby preparing these students to make the transition into the core standards based course. This course is a 2-hour class that is provided daily at each hall.</p> <p>The identification of English Learner (EL) students and the appropriate services for ELs are improving, but school records revealed that 2 students in units isolated from the school had not been identified and enrolled in the "newcomer center". LACOE has developed a systematic plan for providing EL services consistently in the 3 juvenile halls. However, LACOE should establish a full time English Learner Lead position for the "EL newcomer center". This position should be held by staff who has the appropriate credential to meet the needs of EL students.</p> <p>Although curriculum materials and instructional services are aligned with CDE standards, LACOE must ensure that they are consistently used in the classroom. Some teachers who were interviewed revealed that they had no knowledge of the supplemental primary language support materials. All staff should be aware of these materials and each site should ensure that these materials are purchased and accessible for classroom instruction.</p> <p>The acquisition of CELDT scores for EL students has improved, but LACOE should continue efforts to increase the number of CELDT scores. Consistent follow-up of student records requests and utilization of the EL Lead teacher should help to obtain more CELDT scores.</p> <p>LACOE continues to provide EL grade-level materials and content academic standards in the classrooms. However, there needs to be more consistency of instructional strategies and supplemental materials for EL instruction at each hall. There is a need for additional primary language support and the acquisition of supplemental primary language instructional materials.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
51. Security: The County and LACOE shall ensure that staff and contractors do not leave materials or tools that may be used as weapons or escape devices.	PROB	Formalized Monitoring Initiated Effective December 1, 2005	The Monitor has been working very closely with Bureau on this provision. The Monitor noted the materials and tools used in construction or renovation held at the halls. It is noted, however, that when one walks around the campuses. Formalized monitoring for this provision was. Agreement requires a 12-month formalized monitoring Assurance (QA) Team, facilitated by the County's progress in this area on a bi-monthly basis.
52. Fire Safety: The County shall ensure adequate smoke and fire alarm coverage that communicates with appropriate entities; minimize fire-loading; light and mark egress routes adequately; and eliminate electrical hazards. LACOE shall minimize fire-loading and eliminate electrical hazards in areas within LACOE's control.	PROB	Pending Implementation	The Monitor has been working very closely with Bureau on this provision. At the time of this report, staff trained in the basics of the Life Safety Code critical components of the Code are being implemented safety which includes testing of the detection and is coordinated with the emergency drills and feed program should be completed by the next inspection June, 2006.
53. Food Safety: The County shall institute a plan for food preparation, storage, service, and kitchen repairs that eliminates risk of food borne illness.	PROB	Pending Implementation	The Monitor has been working very closely with Bureau on this provision. The "Food Handling" was inspected for maintenance deficiencies. The corrective actions necessary. Food service contract explore better coordination and communication delivery. The audit process for the monthly "tray" finalized. Self inspection by the contracting firm including a comprehensive HACCP monitoring contracting company at LP was poorly administered during the Monitor's inspection. There was no improvement in food delivery to the units was noted by the Monitor's next visit and the provision should be by the next visit in March 2006.
54. Medically Necessary Diets: The County shall ensure that those youth requiring special medical diets receive such diets as ordered.	PROB	Pending Implementation	The Monitor has been working very closely with Bureau on this provision. The Monitor notes that medical unit. A policy and procedure requiring indicating that they have received them each day. The food service vendor at CJH and BJN has diets that includes acknowledgement of receipt of all facilities and ready for evaluation by the next visit.

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
<p>55. Youth Hygiene: The County and LACOE shall ensure that youth have adequate hygiene opportunities, including sanitary personal hygiene products. The County shall ensure that youth have adequate linens, bedding and clothing.</p>	<p>PROB</p>	<p>Pending Implementation</p>	<p>The Monitor has been working very closely with the Probation Department's Management Services Bureau on this provision. The Monitor noted that in Action Plan 55 (Sections A, B, C, and D), substantial work has been completed within this Action Plan in all sections and within timelines designated by the Monitor.</p> <p>Draft auditing and tracking documents for all four sections have been produced and reviewed by each director and provided to the Monitor. Those draft documents are as follows:</p> <ol style="list-style-type: none"> 1. Uniform standards for personal hygiene supplies 2. Physical Plant Inspection Report 3. Policy: Personnel Hygiene and Youth Housekeeping Directive 4. Laundry Services Audit, Living Unit Laundry Request, Inventory of Clothing and Linen, and Damage Clothing log 5. Maintenance Directive to ensure toilets, sinks, mirrors, lighting, showers and restrooms tiles are operational <p>The Monitor noted that, "These documents were created and drafted by Probation staff. It is strongly recommended that Probation involve LACOE site and County personnel be involved in the review of both the policies and monitoring instruments. Issues affecting working conditions and product purchasing may be imbedded in these documents."</p> <p>The Monitor indicated these sections would be reviewed during the next visit in March 2006.</p>
<p>Paragraph 56: System: The County and LACOE shall revise and/or institute quality assurance system to ensure implementation of the provisions addressed in this Agreement.</p>	<p>PROB DMH JCHS LACOE</p>	<p>Implemented and Ongoing</p>	<p>The County has made a significant commitment of resources and personnel in the establishment of a quality assurance program for the three juvenile halls. Data is being gathered in a variety of areas. Additionally, staff are now completing periodic compliance audits at the juvenile halls. The Lead Monitor noted that the County must continue to develop its Quality Assurance Program including the integration of data that is gathered for management and program decisions.</p> <p>The Sanitation Monitor noted that with regard to environmental health and safety, the onus rests on MSB to develop completed audit packages for provisions 51-55. At the time of this evaluation, the audit tools had not yet been completed, reviewed, tested or implemented. The audit tools will be reviewed and tested during the next monitoring visit in March 2006. The Sanitation Monitor is working with MSB to develop these audit tools to his specifications.</p>

DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT
4th QUARTERLY COMPLIANCE STATUS REPORT
October 1, 2005 to December 31, 2005

SETTLEMENT OBJECTIVES	RESPONSIBLE AGENCY	STATUS	PROGRESS SUMMARY
Paragraph 67: Consent Forms: Within ninety (90) days of the execution of this Agreement, the County shall with DOJ participation, develop and implement a system for offering youth residents and their parents or guardians the opportunity to provide DOJ with written consent to full and complete access to the residents' medical and mental health records. The County shall ensure that youth residents and their parents or guardians are offered DOJ consent forms during their first court appearances and the first appearances at which their parents or guardians are present. The County also shall ensure that copies of signed DOJ consent forms are promptly included in the youth residents' mental health and medical records.	PROB	Formalized Monitoring Initiated	Formalized Monitoring for this provision was initiated on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.
Paragraph 68: Implementation Plan: Within sixty (60) days of the execution of this Agreement, the County and LACOE shall submit to DOJ implementation plans to guide specific tasks necessary to reach compliance with this Agreement. The implementation plans shall be subject to the review and approval of the DOJ. If DOJ finds that an implementation plan is not consistent with the terms of this Agreement, DOJ shall promptly notify the County and LACOE and provide technical assistance in revising the plan.	PROB DMH JCHS LACOE	Formalized Monitoring Initiated	Formalized Monitoring for this provision was initiated on June 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.
Paragraph 69: Document Review: All written County and LACOE policies shall be submitted to the DOJ within ninety (90) days of the execution of this Agreement. All other written documents, including procedures, protocols and other items identified in paragraph 7 of this Agreement, shall be submitted to DOJ pursuant to deadlines to be determined by the Monitor. All policies, protocols, training materials, and other written documents described in paragraph 7 of this Agreement, shall be subject to review and approval by DOJ. If DOJ finds that any such documents are not consistent with the terms of this Agreement, DOJ shall promptly notify the County and LACOE and provide technical assistance in revising the plan. If in the event that the Department of Justice asserts that policies, procedures, and other written documents are not in compliance with the terms of this Agreement, the parties will agree to a schedule for the County and LACOE to submit revisions. If, after the policies, procedures, and practices affected by this Agreement are implemented, any of the parties determines that a policy, procedure, or practice, as implemented, fails to effectuate the terms of this Agreement, the County and LACOE shall consult with the DOJ and revise the policy, procedure, or practice as necessary to effectuate the terms of this Agreement.	DOJ	Formalized Monitoring Initiated	Formalized Monitoring for this provision was initiated on September 1, 2005. The Settlement Agreement requires a 12-month formalized monitoring period. The County's Multi-Agency Quality Assurance (QA) Team, facilitated by the County Auditor Controller, will continue to monitor the County's progress in this area on a bi-monthly basis throughout the monitoring period.



ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242
(562) 940-2501



November 17, 2006

TO: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

FROM: Robert B. Taylor *Robert B. Taylor*
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – QUARTERLY
COMPLIANCE PROGRESS REPORT**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice settlement agreement.

This quarterly report covers July 1, 2006 through September 30, 2006. The next report will be submitted in January 2007 and will cover October 1, 2006 through December 31, 2006. A detailed matrix outlining the status of each provision is provided in Attachment I.

STATUS OF PROVISIONS OVERVIEW

The following is an update on the compliance status of the settlement agreement provisions. Of the 52 provisions that require formal monitoring:

- 10 (19%) are in compliance with the settlement agreement as confirmed by the DOJ Monitors – these have been in formal monitoring for the required 12 consecutive months, and thus, no longer require formal monitoring.

These provisions are as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Formal Monitoring Completion Date</u>
#9	Screening	DMH	May 31, 2006
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#67	Consent Forms	Prob., JCHS & DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

- 10 (19%) are currently in the formal monitoring stage and are expected to be in full compliance within the next two months. These provisions are as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Formal Monitoring Effective Date</u>
#8	Mental Health Staffing	DMH	Dec 1, 2005
#17	Psychotropic Medications	Probation	Dec 1, 2005
#19	Access to Care for Medical Services	Probation	Dec 1, 2005
#20	Staff Understand Mental Health Needs	Prob, DMH & JCHS	Dec 1, 2005
#30	Supervision of Youth	Probation	Nov 1, 2005
#37	Orientation to Juvenile Hall	Probation	Jan 1, 2006
#38	Grievance System	Probation	Dec 1, 2005
#40	Transportation to Outside Appointments	Probation	Dec 1, 2005
#43	Access to Care for Mental Health Services	Probation	Dec 1, 2005
#51	Security	Probation	Dec 1, 2005

- 12 (23%) are anticipated to be ready to begin formal monitoring in December 2006 or January 2007, as significant progress towards compliance in these areas has been made within the past six months. These provisions are as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Formal Monitoring Date</u>
#10	Assessments (initial identification)	DMH	Dec 31, 2006
#22	Suicide Prevention	Probation	Dec 31, 2006
#23	Sharing of Information	Probation	Dec 31, 2006
#24	Assessment (ongoing evaluations)	DMH	Jan 31, 2007
#25	Management of Suicidal Youth	DMH/Probation	Dec 31, 2006
#26	Care for Self-Harming Youth	DMH/Probation	Dec 31, 2006
#44	Eyeglasses	JCHS	Dec 31, 2006
#45	Hygiene	JCHS/Probation	Jan 31, 2007
#52	Fire Safety	Probation	Dec 31, 2006

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Formal Monitoring Date</u>
#53	Food Safety	Probation	Dec 31, 2006
#54	Medically-Necessary Diets	Probation	Dec 31, 2006
#55	Youth Hygiene	Probation	Jan 31, 2007

- 20 (39%) are not anticipated to begin formal monitoring until March 2007 and as late as September 2007. These provisions are identified below. As indicated in Attachment II, the County and LACOE have requested a two-year extension to the Settlement Agreement in order to achieve substantial compliance with the agreement.

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Formal Monitoring Date</u>
#11	Treatment Planning	DMH	Jul 31, 2007
#12	Case Management	DMH	Jul 31, 2007
#13	Counseling Services	DMH	Jul 31, 2007
#15	Individualized Behavior Modification	ALL	May 31, 2007
#16	Substance Abuse	DMH/Probation	Mar 31, 2007
#18	Restraints	Probation	Mar 31, 2007
#27	Staffing (Probation)	Probation	Jun 30, 2007
#28	Chemical Restraint	Probation	Mar 31, 2007
#29	Use of Force	Probation	Mar 31, 2007
#31	Child Abuse Investigation	Probation	Jun 30, 2007
#32	Use of Force Review	Probation	Mar 31, 2007
#33	Rehabilitation	Probation/LACOE	Jun 30, 2007
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	Mar 31, 2007
#41	Medical Records Transfer	JCHS	Sep 30, 2007
#46	Special Education	LACOE	Jul 31, 2007
#47	Related Services	LACOE	Jul 31, 2007
#48	Parent Participation	LACOE	Jul 31, 2007
#49	Transition Planning and Services	LACOE	Jul 31, 2007
#50	Materials, Space and Equipment	LACOE	Jul 31, 2007
#56	Audit Process for DOJ	ALL	Sep 30, 2007

SUMMARY OF COUNTY'S PROGRESS: JULY 2006 – SEPTEMBER 2006

➤ Probation Department

- Although extensive work remains, during this reporting period, the County has made progress in managing and caring for the population of self-harming youth in its care. Mr. Lindsay Hayes, the nationally recognized consultant-expert in correctional suicide prevention conducted a follow-up assessment of the suicide prevention practices at the three juvenile halls. Mr. Hayes' report indicated that significant improvements have been achieved in the serious problematic areas noted during his December 2005 visit.

- The County has revised its policies and procedures relating to the use of force and the application of both hard and soft restraints. These revised policies and procedures were issued on May 18, 2006, and clearly indicate that soft-restraints shall only be applied to minors who are experiencing mental health crises. Intensive internal auditing processes have been implemented to ensure compliance with these policies.
- The Department continues the process of recruiting, hiring and training staff to achieve compliance with Provision #27, Staffing. During previous reporting periods, the Department's ability to achieve substantial compliance in several areas of the agreement had been hampered by inadequate staffing levels. Provisions #25, Management of Suicidal Youth; #28, Chemical Restraints; #29, Use of Force; #32, Use of Force Review; #33, Rehabilitation; and Provision #35, Youth-on-Youth Violence were all impacted by inadequate staffing and as a result substantial compliance has not been met in these areas. As staffing levels have stabilized due to the hiring of additional staff, and staff have become more experienced, instances of use of force and youth-on-youth violence levels have decreased by approximately 10%. Since January 1, 2006, the Department has added over 400 additional staff in the halls. We expect to continue to see positive results as the process of adding newly trained staff continues and their experience level increases.

➤ ***Department of Health Services – Juvenile Court Health Services***

- During this reporting period, DHS and Probation Department have had several decision-maker level meetings to discuss the electronic medical records system. A working group has been established to explore other systems in use by DHS for JCHS as well as some off-the-shelf correctional healthcare electronic medical record systems in use by other correctional facilities.
- The Eye Clinic was opened at Central Juvenile Hall and youth began receiving optometry services in June 2006. Policy and procedures were developed to address eye services, referrals and clinic operations.

➤ ***Department of Mental Health***

- During this reporting period, staffing levels remained sufficient and the County has met the criteria in terms of hiring appropriate staff. In addition, the provisions related to Screening and Record Keeping have met the required 12-month consecutive period of substantial compliance and no longer require formal compliance monitoring.
- A revised "Request for Mental Health Consultation" referral form was developed and is currently being used.

- DMH continues to work with Probation and JCHS to define urgent and routine referrals, and to ensure that sufficient information is included with the referral so that DMH can make triage decisions.
- Probation and DMH have revised the Mental Health Recording form ("Green Sheet") to include a standardized format and prompts. In addition, both forms have been incorporated into the tracking of the Level of Supervision status. This change has helped to improve the tracking of youth on high observation which relates to the Settlement Agreement paragraphs on assessment, care and management of suicidal and self-harming youth.
- Mental health assessments continue to be completed within the specified timeframe and treatment planning continues to improve due to the Individualized Behavior Management Planning (IBMP) process at each of the facilities for youth that are experiencing behavioral or other kinds of problems. Counseling services provided to youth have continued to improve.

SUMMARY OF LACOE'S PROGRESS: JULY 2006 – SEPTEMBER 2006

- ***Special Education Services*** – LACOE has revised the structure of the service delivery model to provide more comprehensive, cohesive, and consistent special education services in all three halls. New positions have been added to serve as liaisons among the three halls and LACOE's central office to ensure resolution of problems in the delivery of special education services as they arise. LACOE continues to actively recruit and hire additional special education service providers.
- ***Record Retrieval*** – LACOE has established new systems and new staff positions to obtain school transcripts, records, and other pertinent information about students as rapidly as possible. This effort includes an agreement with the Los Angeles Unified School District to allow electronic transfer of school records.
- ***English Learner (EL) Services*** – All juvenile hall teachers are required to have EL certification to teach English Learners. LACOE has created additional positions and staff assignments to enhance EL services at the three juvenile halls. Under the direction of LACOE's central EL Services unit, there is ongoing coordination with site staff to successfully implement a comprehensive EL program.
- ***Staff Development*** – LACOE has provided mandatory ongoing training for all staff, including administrators, to improve their skills and technical knowledge to meet the students' diverse needs.

MONITORS' KEY OBSERVATIONS -- THIRD SEMI-ANNUAL MONITORING REPORT

The following issues were noted in the DOJ Monitor's Third Semi-Annual Monitoring Report issued in May 2006:

➤ Probation Department

- Use of force incidents have shown a decrease in 2005, reversing a trend from 2002-2004.
- The Monitor noted serious concerns with paragraph #18, Restraints. A small number of highly aggressive and oftentimes mentally ill minors were placed in arm and leg restraints for extended periods of time. The practice did not follow the proper documentation, oversight procedures, or medical and mental health safeguards required by the Agreement or the Department's own policy. ***This issue has since been corrected and an updated policy has been issued.***
- Use of Force Incident Supervisory and Performance Reviews (Paragraph 32) need further policy development and better oversight. The incidents of youth-on-youth violence (Paragraph 35) increased in 2005. This trend has reversed slightly in 2006 as the number of incidents has shown a 10% decrease for the first eight months of this year as compared to last year.

➤ Department of Health Services – Juvenile Court Health Services

- ***Medical Records Transfer*** – While the County has improved the medical records transfer process significantly, the DOJ Monitors will not grant monitoring in this area until an electronic medical records system is developed. High level meetings have taken place between Probation and JCHS and a working group has been developed to review new and existing systems to determine how best to meet the mandate of this provision while providing the best possible care and treatment for detained minors. This provision will likely be a funding issue as there are currently no dedicated funds for a new system.
- ***Hygiene*** – The Monitor for this provision indicated that he observed progress in this area and commented that he expects JCHS and Probation to be able to achieve substantial compliance by the next monitoring visit.
- ***Eyeglasses*** – This provision is anticipated to be granted formal monitoring during the next monitoring visit. An Eye Clinic has been established at Central Juvenile Hall and minors have been receiving services since June 2006. During his last visit, the medical Monitor inspected the clinic, met with the health care provider and provided positive comments. At that time he indicated that he would like to give the clinic some time to be operational before he grants formal monitoring.

- **Record Keeping** – The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision.
- **Psychotropic Medication** – Formalized monitoring of this provision was granted effective December 1, 2005.
- **Youth with Special Needs** - The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision.

➤ **Department of Mental Health**

- **Staffing** - Formalized monitoring has been in place since December 2005. Staffing levels are sufficient and the County has met the criteria in terms of hiring appropriate staff.
- **Screening** - The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision. A new "Request for Mental Health Consultation" referral form is currently being used. DMH is currently working with Probation and JCHS to define urgent and routine referrals, and to ensure that sufficient information is included with the referral so that DMH can make triage decisions. Probation and DMH have revised the Mental Health Recording form ("Green Sheet") to include a standardized format and prompts. The Monitors note that these have significantly improved from the prior forms. In addition, both forms have been incorporated into the tracking of the Level of Supervision status. This change has helped to improve the tracking of youth on high observation which relates to the Settlement Agreement paragraphs on assessment, care and management of suicidal and self-harming youth.
- **Treatment Planning** - The Monitor noted that the treatment plan that the County has developed is improved and currently implemented at all facilities but targeted interventions and follow up must improve. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities for youth that are experiencing behavioral or other kinds of problems.
- **Case Management** - The Monitor noted that treatment plan coordination and case management have significantly improved through the IBMP process. They note that this process should be expanded.
- **Counseling Services** - The Monitor noted that there is considerable evidence that counseling services provided to youth have continued to improve.

- **Record Keeping** - The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision.
- **Monitoring of Psychotropic Medication** - Formal monitoring has been in place since December 2005.
- **Assessment, Care And Management Of Suicidal And Self-Harming Youth** - These paragraphs will be proffered for formal compliance monitoring by December 2006 or January 2007. The County continues to make progress in managing and caring for the population of self-harming youth. The improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs.

➤ **Los Angeles County Office of Education**

- The Monitor's Report has noted insufficient staff for providing special education services. Consequently, LACOE Special Education administrators are reviewing the fluctuating student population to determine adequate staffing levels for each juvenile hall. LACOE continues to actively recruit and hire additional highly qualified specialists, teachers, and school psychologists.
- LACOE continues to take the necessary steps to include parents in the IEP process and offer them alternate methods of attending their child's IEP meetings when they are unable to attend in person, such as attending by phone conference.
- LACOE has made significant progress in providing Individualized Transition Plans (ITP) for students who are 16 years or older.
- LACOE's efforts have resulted in significantly improving identification of students for EL services through requesting students' CELDT scores when they enroll in the juvenile hall school. LACOE has implemented the Monitor's recommendations for staff assignments and program design.
- LACOE has developed a thorough and comprehensive design for the EL Newcomer program to serve the needs of Beginner and Early Intermediate ELs. LACOE staff should continue to build continuity and consistency of EL program design and delivery at each juvenile hall.
- The records retrieval process continues to improve. LACOE has a standard process for student records retrieval at all juvenile halls.
- LACOE must continue to work with the other agencies to address the educational needs of students in the Special Handling Unit (SHU).

Auditor-Controller's Oversight of the Quality Assurance Team

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team which consists of representatives from DHS, DMH, LACOE, and Probation. The QA Team is responsible for monitoring 48 of the 52 settlement agreement provisions. The remaining four provisions are administrative-related and do not require formal monitoring by the Auditor-Controller.

The QA Team monitors the progress of DHS, DMH, LACOE, and Probation to implement the 48 provisions. The monitoring is conducted monthly at each of the three juvenile halls. The QA Team discusses its findings with management of the respective departments, the Project Manager, and the DOJ Monitors. The results of the QA Team reviews support the DOJ's assessment of the County's progress toward implementing the provisions.

County Counsel, DHS, DMH, LACOE, and the Auditor-Controller concur with this report. Our next quarterly compliance progress report will be submitted in January 2007, covering October 1, 2006 through December 31, 2006. We anticipate the DOJ Monitor's Fourth Semi-Annual Monitoring Report will be completed within this month. The agencies will continue to implement the necessary changes and identify and proffer additional provisions for formal monitoring assessment by the DOJ. We will continue to apprise your Board of any significant developments.

If you have any questions, please contact me or your staff may contact Ron Barrett, Chief, Detention Services Bureau at (562) 940-2503.

RBT:RB:jg

Attachments (2)

- c: Sachi A. Hamai, Executive Officer, Board of Supervisors
- David E. Janssen, Chief Administrative Officer
- J. Tyler McCauley, Auditor-Controller
- Raymond G. Fortner, Jr., County Counsel
- Dr. Bruce Chernof, Director, Department of Health Services
- Dr. Marvin J. Southard, Director, Department of Mental Health
- Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education



ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242
(562) 940-2501



January 31, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Robert B. Taylor *Robert B. Taylor*
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – QUARTERLY COMPLIANCE PROGRESS REPORT**

In December of 2003, the Department of Justice completed an investigation into the three Los Angeles County Juvenile Halls pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. of 1997 (CRIPA), and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C., section 14141.

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice settlement agreement.

This quarterly report covers October 1, 2006 through December 31, 2006. The next report will be submitted in April 2007 and will cover January 1, 2007 through March 31, 2007.

I. STATUS OF PROVISIONS – OVERVIEW

The following areas provide an update on the status of each of the settlement agreement provisions. Of the 52 provisions:

- 20 provisions (38%) are in compliance with the settlement agreement as they have completed the required formalized monitoring process for the required 12 consecutive months. Consequently, no further monitoring of these provisions is required. These provisions are identified in the attached, Section A.

- 3 provisions (6%) were placed into formalized monitoring during this reporting period. These provisions are identified in the attached, Section B.
- 11 provisions (21%) are anticipated to be ready for consideration for formalized monitoring status during the next reporting period of January 1, 2007 through March 31, 2007, as significant progress has been achieved. These provisions are identified in the attached, Section C.
- 18 provisions (35%) will not be considered ready for formal monitoring consideration until the reporting period, on April 1, 2007 through June 30, 2007. These provisions are identified in the attached, Section D.

II. SUMMARY OF COUNTY'S PROGRESS: OCTOBER 2006 – DECEMBER 2006

➤ PROBATION DEPARTMENT

During this reporting period, the Probation Department was identified as the Lead County Agency tasked with coordinating the overall County and LACOE efforts to achieve substantial compliance with the remaining provisions in the Settlement Agreement. A multi-agency core compliance team consisting of high-level managers from the collaborating agencies was implemented to oversee efforts to achieve full compliance with the terms of the Settlement Agreement. This team will work collaboratively to ensure that progress is maintained and that any problems which arise are identified and brought to the attention of the respective Department Heads for immediate resolution.

- The Probation Department made progress in the areas of Fire Safety, Food Safety and Medically Necessary Diets (Provisions #52, #53 and #54). In December 2006, the Monitor granted formalized monitoring in these areas and noted significant improvements since his last monitoring visit.
- The Probation Department achieved a notable reduction in the Uses of Force (Provision #29). For the period July 2006 through December 2006, the incidents where force was used by staff decreased 39% over the same period in 2005, and decreased by 45% as compared to the same period in 2004. This was achieved despite an increase in the average daily population at the facilities.

➤ **DEPARTMENT OF HEALTH SERVICES – JUVENILE COURT HEALTH SERVICES**

- During this reporting period, the Probation Department, and the Department of Health Services' Juvenile Court Health Services Division have continued to explore the options available relative to the development of an Electronic Health Record System to meet the compliance requirements of Provision 41. An interdepartmental County team consisting of decision-maker level managers has been established to explore electronic information systems in use by the Los Angeles County Sheriff's and other systems utilized by other correctional agencies. Collaboration will continue to determine the timelines for purchase, development and implementation of this system. The system in use by the Los Angeles County Sheriff's Department was reviewed by the Probation and DHS-JCHS Information Technology managers during this reporting period and appears promising.
- The Eye Clinic was opened at Central Juvenile Hall and youth began receiving in-house eye services in June 2006. The clinic continues to operate and provide services to minors during this reporting period. Provision 44 (Eyeglasses) is expected to be granted formalized monitoring retroactive to June 2006, during the Medical Monitor's next visit early in February 2007.

➤ **DEPARTMENT OF MENTAL HEALTH**

- **Provision 10 - Assessment:** This provision will be proffered for formal compliance monitoring during the next monitoring visit. Monthly audits and Monitor's observations reflect that each facility is completing mental health assessment within the specified timeframe.
- **Provision 11 - Treatment Planning:** This provision continues to show improvement. The Monitor's note that the treatment plan that the County has developed is excellent and currently implemented at all facilities. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. Youth that are experiencing behavioral or other kinds of problems are referred to the program.
- **Provision 12 - Case Management:** The Monitors note that treatment plan coordination and case management has significantly improved through the IBMP process and suggest that the IBMP process should be expanded.
- **Provision 13 - Counseling Services:** The Monitors note that there is considerable evidence that counseling services provided to youth have continued to improve.
- **Provision 24, Assessment & Provision 25, Care for Self-Harming Youth:** These provisions will be proffered for formal compliance monitoring during the next monitoring visit. The County continues to make progress in managing and caring for the population of self-harming youth. Enhanced Supervision Units (ESU) were opened at

Central Juvenile Hall to provide a higher level of care for self harming minors. In addition, the improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs.

III. SUMMARY OF LACOE'S PROGRESS: OCTOBER 2006 - DECEMBER 2006

- ***Special Education Services*** – Central, Los Padrinos, and Nidorf schools have implemented a consistent and comprehensive model for providing special education services. This service delivery model ensures a continuum of services that include the Resource Specialist Program and Special Day Classes to meet the IEP needs of students. Additionally, this model provides the standards and timelines for service delivery, assessments, and IEPs/reports that all staff are required to follow. According to the education monitor, LACOE has made notable progress in more quickly locating, screening, and identifying newly enrolled students who need special education services.
- ***Student Records Retrieval*** – LACOE has fully implemented a restructured student records request and maintenance process for the juvenile halls. This process provides a centralized collaborative design to make initial student records requests, follow-up requests, and case management of student records searches from initiation to completion. This restructure includes additional staff, the appointment of LACOE's Senior Project Director of Compliance Support Services and a Juvenile Court Schools Assistant Principal Manager to ensure compliance in this area. In addition, procedural manuals for student records retrieval at the juvenile halls have been developed.
- ***English Learner (EL) Services*** – The staff at each juvenile hall are doing a good job of identifying EL students. The percentage of identified EL students with the California English Language Development Test (CELDT) scores is 80% or more daily. Per the education monitor, the identification and course placement of EL students is near substantial compliance. According to the monitor's observations and reports, LACOE has significantly improved the EL program and services at each juvenile hall. In addition to increasing the number of CELDT scores obtained, LACOE has established new EL classes, clearly defined roles for new EL staff, and distinguished roles and responsibilities for all staff related to EL services.
- ***Staff Development*** - LACOE continues to provide and/or participate in mandatory training for all staff, including administrators to improve their skills and technical knowledge to meet the students' diverse needs. LACOE has worked collaboratively with Probation and Mental Health to provide an increased number of training opportunities in the areas of suicide prevention, mental health needs of youth, and crisis prevention. Ongoing special education and EL services trainings for staff are scheduled for each juvenile hall.

IV. MONITOR'S FOURTH SEMI-ANNUAL MONITORING REPORT

In November, 2006, the Monitor published the Fourth Semi-Annual Monitoring Report for the Memorandum of Agreement between the United States, Los Angeles County and the Los Angeles County Office of Education and outlined the progress of the various provisions toward compliance with the Memorandum of Agreement. Subsequent to the publishing of the report, each agency has held meetings with their Monitor(s) to address deficiencies and utilize the Monitor's technical assistance to develop strategies to bring the respective provisions into compliance.

V. AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team which consists of representatives from DHS, DMH, LACOE and Probation. The QA Team is responsible for monitoring 48 of the 52 settlement agreement provisions. The remaining four provisions are administrative-related and do not require formal monitoring by the Auditor-Controller.

The QA Team monitors the progress of DHS, DMH, LACOE, and Probation to implement the 48 provisions. The monitoring is conducted monthly at each of the three juvenile halls. The QA Team discusses its findings with management of the respective departments, the Project Manager, and the DOJ monitors. The results of the QA Team reviews support the DOJ's assessment of the County's progress toward implementing the provisions.

County Counsel, DHS, DMH, LACOE, and the Auditor-Controller concur with this report. Our next quarterly compliance progress report will be submitted in April 2007 covering January 1, 2007 through March 31, 2007. The agencies will continue to implement the necessary changes and identify and proffer additional provisions for formalized monitoring assessment by the DOJ. We will continue to apprise your Board of any significant developments.

If you have any questions, please contact me or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (562) 940-2851.

RBT:dg

Attachment

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
David E. Janssen, Chief Administrative Officer
J. Tyler McCauley, Auditor-Controller
Raymond G. Fortner, Jr., County Counsel
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

DOJ SETTLEMENT AGREEMENT COMPLIANCE STATUS

ATTACHMENT

SECTION A - PROVISIONS WHICH HAVE COMPLETED 12-MONTH FORMALIZED MONITORING

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	DATE FORMALIZED MONITORING	
8	Staffing (DMH)	DMH		11/30/06	
9	Screening	DMH	PROBATION	05/30/06	
14	Record-Keeping	JCHS/DMH		06/30/06	
17	Psychotropic Medication	DMH/JCHS	JCHS, DMH	11/30/06	
19	Access to Care	PROBATION		11/30/06	
20	Staff Understanding of Mental Health Needs	PROBATION	TRAINING - ALL	11/30/06	
21	Housing of Youth with Disabilities	PROBATION	ALL	05/30/06	
30	Supervision of Youth	PROBATION	TRAINING - LACOE	10/31/06	
34	Group Punishment	PROBATION		05/30/06	
36	Youth Movement Between Halls	PROBATION	ALL	06/30/06	
37	Orientation	PROBATION		12/31/06	
38	Grievance System	PROBATION		11/30/06	
39	Youth with Special Needs	JCHS	PROBATION	05/30/06	
40	Outside Appointments	PROBATION	JCHS/DMH	11/30/06	
42	Confidentiality	PROB/JCHS		05/30/06	
43	Access to Care	PROBATION		11/30/06	
51	Security	PROBATION	LACOE	11/30/06	
67	Consent Forms	ALL		05/30/06	
68	Implementation Plan	ALL		05/30/06	
69	Document Review	ALL		08/31/06	
	TOTAL	20			
	PERCENTAGE	38%			

SECTION B - PROVISIONS CURRENTLY IN 12-MONTH FORMALIZED MONITORING PHASE

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	MONITORING WAS GRANTED	
52	Fire Safety	PROBATION	LACOE	Dec 1, 2006	
53	Food Safety	PROBATION		Dec 1, 2006	
54	Medically-Necessary Diets	PROBATION	JCHS	Dec 1, 2006	
	TOTAL	3			
	PERCENTAGE	6%			

SECTION C - PROVISIONS WHICH ARE NEARING READINESS FOR MONITORING

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	*ESTIMATED DATE FOR COMPLIANCE READINESS	PERCENTAGE OF COMPLIANCE
10	Assessments	DMH		Feb 2007	80%
18	Restraints	PROBATION	DMH	Jan 2007	95%

DOJ SETTLEMENT AGREEMENT COMPLIANCE STATUS

ATTACHMENT

22	Training (Suicide Prevention)	PROBATION	TRAINING - ALL	Jan 2007	100%
23	Sharing of Information	PROBATION	ALL	Jan 2007	100%
24	Assessment	DMH		Feb 2007	100%
25	Management of Suicidal Youth	DMH/PROB		Feb 2007	90%
26	Care for Self-Harming Youth	DMH/PROB		Feb 2007	80%
28	Chemical Restraint	PROBATION		Feb 2007	90%
29	Use of Force	PROBATION		Feb 2007	100%
44	Eyeglasses	JCHS		**Aug 2006	100%
45	Hygiene	JCHS/PROB		Mar 2007	70%
	TOTAL	11			
	PERCENTAGE	21%			

* ESTIMATED DATES FOR COMPLIANCE READINESS AND ACTUAL MONITORING DATE MAY VARY DEPENDING ON THE ACTUAL DATE THE MONITOR INSPECTS THE FACILITY FOR COMPLIANCE.

** IT IS ANTICIPATED THAT THE MEDICAL MONITOR WILL GRANT RETROACTIVE MONITORING FOR PROVISION #44, EYEGLASSES, DURING HIS NEXT MONITORING VISIT, SCHEDULED FOR FEBRUARY 1ST AND 2ND, 2007.

SECTION D - PROVISIONS WHICH ARE NOT READY FOR FORMALIZED MONITORING

	PROVISION	RESPONSIBLE AGENCY	SECONDARY RESPONSIBILITY	ESTIMATED DATE FOR COMPLIANCE READINESS*	PERCENTAGE OF COMPLIANCE
11	Treatment Planning	DMH		Jul 2007	80%
12	Case Management	DMH		Jul 2007	80%
13	Counseling Services	DMH	PROBATION	Jul 2007	90%
15	Individualized Behavior Modification	ALL		May 2007	80%
16	Substance Abuse	DMH/PROB		Apr 2007	67%
27	Staffing (Probation)	PROBATION		Aug 2007	75%
31	Child Abuse Investigation	PROBATION		Sep 2007	50%
32	Use of Force Review	PROBATION		May 2007	65%
33	Rehabilitation	PROB/LACOE	JCHS/DMH	Aug 2007	75%
35	Reduce Youth-on-Youth Violence	PROB/LACOE	JCHS/DMH	Apr 2007	80%
41	Medical Records Transfer	JCHS	PROBATION	Sep 2007	10%
46	Special Education	LACOE		Aug 2007	50%
47	Related Services	LACOE		Jun 2007	73%
48	Parent Participation	LACOE	PROBATION	Apr 2007	100%
49	Transition Planning and Services	LACOE		Apr 2007	83%
50	Materials, Space and Equipment	LACOE	PROBATION	Apr 2007	30%
55	Youth Hygiene	PROBATION	LACOE	Apr 2007	70%
56	Audit Process for DOJ	ALL		Sep 2007	31%
	TOTAL	18			
	PERCENTAGE	35%			

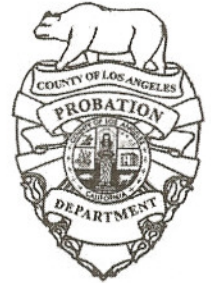


ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



August 2, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Robert B. Taylor 
Chief Probation Officer

**SUBJECT: DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – QUARTERLY
COMPLIANCE PROGRESS REPORT**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice (DOJ) settlement agreement. This quarterly report covers April 1, 2007 through June 30, 2007. The next report will be submitted in October 2007 and will cover July 1, 2007 through September 30, 2007.

During the quarter, the County and LACOE through their counsel, have been working with the DOJ to extend the existing settlement agreement for an additional 27 months. An agreement, in principle, was reached which required the amendment of some of the provisions (also referred to in this document as "paragraphs") in the "Action Plans" which are used by the agencies as a roadmap toward compliance. In accordance with this agreement, LACOE's Special Education Provision (#46) will be separated into five sections and each of these five sections will be monitored separately. On July 24, 2007, the extended settlement agreement was reviewed and approved by your Board. Full compliance with the settlement agreement must be achieved by no later than December 2009. Each of the impacted agencies continues to work with the Monitors and the DOJ to complete the final amendments to their respective Action Plans.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 52 provisions:

- 20 (39%) are in compliance with the settlement agreement – these have been in formal monitoring for the required 12 consecutive months, and thus, are no longer required to be under formal monitoring. These provisions are identified in Attachment I.
- 9 (17%) are currently in the 12-month formal monitoring stage. These provisions are identified in Attachment II.
- 13 (25%) are anticipated to be ready to begin formal monitoring during the next reporting period, July 1, 2007 to September 30, 2007, as significant progress towards compliance has been achieved in these areas. These provisions are also identified in Attachment II.
- 10 (19%) are not anticipated to be ready for formal monitoring during the next reporting period, July 1, 2007 through September 30, 2007. These provisions are identified in Attachment III.

SUMMARY OF COUNTY'S PROGRESS: APRIL 1, 2007 – JUNE 30, 2007

PROBATION

The Behavior Management Program was fully implemented at all three juvenile halls. This program encompasses the "Life Excelerator Assessment of Personal Skills (LEAPS) program, the token economy and a rewards program. The provisions relating to Rehabilitation (#33) and Individualized Behavior Modification (#15) will be assessed by the Monitors in August, 2007 for formalized monitoring consideration.

The Department experienced an increase in the incidents of youth-on-youth violence and Safe Crisis Interventions (uses of force) during the first two quarters of this calendar year as compared to the last two quarters of the prior calendar year. However, if the current trends continue, there will still be an overall decrease in the total number of incidents as compared to calendar years 2006 and 2005. The number of incidents of chemical restraint have declined considerably during the first six months of this year (67 incidents for the first six months) as compared to 2006 (131 incidents for the first six months of 2006). If this trend continues, it is anticipated that OC spray usage will occur approximately 140 times during the year, which will be less than the 151 uses recorded in 2005, which was the lowest usage recorded since the DOJ initiated their investigation.

The Department has contracted with a qualified individual to provide Child Abuse Investigation oversight. It is anticipated that this individual will begin actively participating in the oversight role during the next reporting period. This effort, and a realignment of the Special Investigations Unit, should help bring the Child Abuse Investigation provision

(#31), closer to readiness for substantial compliance consideration during the next two quarterly reporting periods.

The Department has engaged the Monitors and the DOJ in ongoing discussions concerning what constitutes "substantial compliance" as regards the "Staffing" provision (#27). It is generally understood that ensuring that minors have consistent rehabilitative opportunities (food, clothing, schooling, recreation, access to medical, dental and mental health care) and keeping youth safe by reducing incidents of youth-on-youth violence, reducing incidents where force is utilized and minimizing opportunities for mentally ill minors to engage in self-harming behaviors are critical factors that affect a finding of substantial compliance. The methods by which these issues will be measured and assessed will be addressed during the next quarterly reporting period.

Probation and the Department of Mental Health have identified long-term substance abuse service providers for the three juvenile halls. Funding issues have been resolved and the two Departments are in the process of developing treatment service protocols. Once services are provided on a consistent basis the "Substance Abuse" provision (#16) should be ready for formalized monitoring consideration between August and October, 2007.

DEPARTMENT OF HEALTH SERVICES - JUVENILE COURT HEALTH SERVICES

During the quarterly reporting period, Probation and JCHS have conducted site visits to the Los Angeles County Sheriff Department's Twin Towers facility to review and assess the electronic health record (JHIS) in use by the Sheriff's Department, and have entered into discussions with County Counsel and the JHIS system vendor, Cerner Corporation, including licensing issues. As a part of this assessment process, the Department of Health Services requested an outside independent review of the JHIS system by a consultant. The consultant assessment was favorable regarding utilizing this system. Probation and JCHS will continue their collaborative efforts toward compliance with the "Medical Records" provision (#41). We anticipate this provision will be proffered to the Monitor in November, 2007 for consideration for formalized monitoring status as the development plan should be ready for review.

The Eye Clinic continues in full operation at Central Juvenile Hall. Youth have received in-house eye services since June 2006. The "Eyeglasses" provision (#44) was granted formalized monitoring in September 2006.

DEPARTMENT OF MENTAL HEALTH

Provision 10 - Assessment: This provision is under the Compliance Monitoring Provision of the Memorandum of Agreement (Provision #63), as of February 28, 2007. In addition, a CQI process has been put in place to provide feedback on a more real-time basis. On-site mental health program Quality Assurance Committees have been put in place at each of the juvenile halls. The Monitor has noted that the Mental Health audits are conducted with

a high degree of accuracy and that the compliance standards are comparable to or above community standards.

Provision 11 - Treatment Planning: This provision continues to show improvement. The Monitors noted that the treatment plan that the County has developed is excellent and currently implemented at all facilities. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. The Boys and Girls Enhanced Supervision Units are open and house 15 boys and 15 girls on a daily basis. The Enhanced Supervision Units are a significant improvement in the integrated management of mentally ill youth who exhibit aggressive and self-harming behaviors. The Monitor noted that the CARE and ESU units continue to show programmatic maturation and that this is particularly evident in the initiation of an organized discharge planning process. He noted that DMH and Probation should be commended in establishing a position for a Discharge Planner. This provision will be assessed by the Monitor in August 2007 for formalized monitoring consideration.

Provision 12 – Implementation for the Treatment Plan: The Monitors note that treatment plan coordination and case management has significantly improved through the IBMP process. CJH initiated their second IBMP weekly meeting to address the increasing number of mentally ill youth housed in the Enhanced Supervision and CARE Units. BJNJH and LPJH will be initiating the second IBMP meeting in February and March as necessary.

Provision 13 - Counseling Services: The Monitors note that there is considerable evidence that counseling services provided to youth have continued to improve. The IBMP process allows for discussions and implementation of both counseling and case management strategies for youth. DMH continues to work to improve the overall quality of documentation of counseling services. The newly hired QA Auditors are working with DMH and Contract Mental Health staff in this arena. Documentation training was conducted for all directly-operated and contract agency staff. This provision will be assessed by the Monitor in August 2007 for formalized monitoring consideration

Provision 25 - Management of Suicidal Youth and Provision 26, Care for Self-Harming Youth: These provisions will be proffered for formal compliance monitoring during the next monitoring visit. The County continues to make progress in managing and caring for the population of self-harming youth. Enhanced Supervision Units (ESU) were opened at Central Juvenile Hall which provide a higher level of care for self-harming minors. In addition, the improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs. During this quarter, the overall assessment compliance scores for youth on Level 3 was 98%, and for youth on Level 2 was 96%.

LOS ANGELES COUNTY OFFICE OF EDUCATION

Paragraph 46 – Special Education: The Student Records Acquisition Unit (SRA) provides consistency for all three Juvenile Hall Schools in making timely requests for students' previous schools records. The centralized student records request system is expediting retrieval of school records from local districts. Additionally, the SRA Unit conducts follow-up communications with students' previous schools if records are not received within pre-established timeframes. The initial contacts and follow-up efforts conducted by the SRA staff are documented in LACOE's student information database.

All special education teachers in the three Halls have the appropriate credentials to provide instruction for students who have Individual Education Plans (IEPs). General education teachers who work with special education students are provided the necessary sections (e.g., goals and accommodations, present levels of performance, positive behavior support plan, transition plan, if applicable) of the IEPs to accommodate the learning needs of the special education students in their classes. Additionally, paraeducators work collaboratively with credentialed teachers in the classrooms to provide quality learning experiences for special education students.

To ensure that special education students receive the services they are entitled, staff are contacting (or attempting to contact) every parent for involvement, requesting vision and hearing reports from Health Services, completing assessments/reports, conducting IEP meetings within the legal timelines, and including regular education teachers and other necessary agencies (e.g. Probation, Mental Health) in students' IEP meetings. LACOE continues to maintain a continuum of placement options for special education students in the three Halls that include resource specialist services, special day classes, general education courses with designated instructional services support, language and speech services, and counseling services.

LACOE's Special Education Local Plan Area (SELPA) staff have drafted comprehensive standard processes/protocols for the Student Planning Team (SPT) process, which will be consistently utilized among the three Halls. Training on this standard SPT process for administrators responsible for coordinating the SPT process at each of the three Halls has been conducted. The Assistant Principals of Special Education at each of the three Halls are collecting data weekly on the percentage of students in the halls who have IEPs.

Paragraph 47 – Related Services: LACOE continues to identify students who qualify for special education related services. These service needs are documented in the students' IEPs. LACOE has a variety of ongoing trainings for staff to identify and address the various related services needs of students. LACOE has also developed a standard procedure for documenting instances in which students did not receive a portion or all of the services listed in the IEP. This includes documenting acceptable reasons (e.g., medical, court, safety) why students did not receive the services listed in the IEP. Staff at the three Halls are ready, willing, and able to provide services to all students who are brought to school.

LACOE and Health Services have reinforced the process for the school obtaining vision and hearing screening information from Health Services. An official form for requesting this information has been agreed upon by both agencies. LACOE continues to participate in the Individual Behavior Management Program (IBMP) meetings weekly with Probation and Mental Health at each juvenile hall to identify and address students' social, emotional, and academic needs. Staff at the three Halls are provided ongoing guidance and resources to assist them in developing and implementing Behavior Support Plans for students who exhibit a pattern of emotional or behavioral problems.

Paragraph 48 – Parent Participation: The staff at the three Juvenile Halls continue to involve students' parents (guardians, or surrogate parents when applicable) in their child's education. These stakeholders are consistently invited to their child's IEP meetings. LACOE has done an efficient job of providing parents a ten-day notice prior to the IEP meeting to ensure their availability to attend. If parents inform staff that they are not available for the IEP meeting on the scheduled date, the opportunity to participate via teleconference or a different date is discussed with the parent and mutually agreed. LACOE has a systematic process for documenting contacts, attempts to contact, parents' availability, and parents' refusal to participate. At the three Halls LACOE consistently requests that parents are given an opportunity to meet with their child for at least 15 minutes prior to or after the IEP meeting.

Paragraph 49 – Transition Planning and Services: Staff at the three Juvenile Halls have been very effective in providing Individual Transition Plans (ITPs) for special education students who are 16 years or older. LACOE Internal Auditors noted in a recent review that 100% of students reviewed had an ITP. Additionally, the Auditors noted that staff at the three Halls have consistently invited the appropriate agencies who are responsible for providing transition services to participate in IEP meetings.

The Assistant Principal of Special Education at each Hall is responsible for performing periodic quality performance reviews of ITPs to ensure they contain the following elements: instruction, related services, community experiences, development of employment and other post-school adult living objectives. Ongoing ITP trainings and resources are made available for staff to better facilitate transition planning and services for special education students.

Paragraph 50 – Materials, Space and Equipment: LACOE has re-examined the textbook sufficiency survey conducted at the three Juvenile Halls to confirm that all classes have the appropriate materials for classroom instruction. According to the survey, all halls have the sufficient number of LACOE Board approved textbooks and instructional materials. There is also a procedure for each Hall to replenish textbooks and instructional materials to remain sufficient. Students whose IEPs designate additional specific instructional material support are provided the necessary materials as described in the IEPs. An annual review of instructional materials and supplies is conducted at each of the Juvenile Hall schools.

The English Learner (EL) Program at the three Halls remains in substantial compliance. The staff at each Hall are doing an efficient job of quickly identifying students who qualify for EL services and appropriately placing students in EL courses. The number of credentialed teachers and paraeducators is adequate to provide the necessary services for these students. There is weekly monitoring of the program services for EL students and ongoing resources are made available for teachers.

LACOE and Probation continue to collaborate on facility and space issues to resolve problems that are pertinent to education. Probation has made significant progress in reconfiguring Barry J. Nidorf to ensure educational services are provided to High Risk Offender (HRO) youth. It is anticipated that the reconfiguration of Nidorf will be completed during July 2007 and LACOE will immediately begin providing the appropriate educational services to the HROs in the new classrooms. The Education Monitor will review Paragraph 50 during his July visitation and it is LACOE's expectation that the Monitor will determine that LACOE is in substantial compliance for Paragraph 50.

LACOE General Comments: LACOE's Internal Auditors, under the supervision of LACOE management, audit Paragraphs 46 through 50. On June 12, 2007, LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated below. LACOE management has been working closely with the DOJ Monitors and has reached a mutual understanding of the definition of substantial compliance. LACOE modified the audit tools to capture the information needed to document progress toward substantial compliance. The DOJ Monitors will provide details of LACOE's progress toward substantial compliance in their upcoming semi-annual report. LACOE management has also received indication from the primary DOJ Monitor for Paragraph 50 that formal substantial compliance monitoring will be granted for Paragraph 50 in July 2007 provided that the new HRO classrooms at Barry J. Nidorf are in operation.

Anticipated Dates for Requesting Formal Monitoring

Paragraph 46: Special Education	August 2007
Paragraph 47: Related Services	August 2007
Paragraph 48: Parent Participation	July 2007
Paragraph 49: Transition Planning and Services	July 2007
Paragraph 50: Materials, Space and Equipment	July 2007

AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team, which consists of representatives from DHS, DMH and Probation. The QA Team is responsible for monitoring the County's implementation of the settlement agreement provisions.

As of June 30, 2007, 20 of the 52 paragraphs have been fully implemented. Since January 2007, the DOJ began formal monitoring on nine paragraphs (10, 18, 22, 23, 24, 44, 52, 53, and 54). Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

For five of the remaining 23 paragraphs, LACOE staff monitor the implementation status. For the remaining 18 paragraphs, we noted the following:

- 2 paragraphs showed a 90% or above compliance rate.
- 9 paragraphs showed an 80% to 89% compliance rate.
- 5 paragraphs showed a 70% to 79% compliance rate.
- 2 paragraphs showed a less than 70% compliance rate.

If you have any questions, please contact me or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (562) 940-2754.

RBT:rb

Attachments (3)

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Doyle Campbell, Deputy Chief Executive Officer
J. Tyler McCauley, Auditor-Controller
Raymond G. Fortner, Jr., County Counsel
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

PROVISIONS IN COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#8	Mental Health Staffing	DMH	Nov 30, 2006
#9	Screening	DMH	May 31, 2006
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#17	Psychotropic Medications	Probation	Nov 30, 2006
#19	Access to Care for Medical Services	Probation	Nov 30, 2006
#20	Staff Understand Mental Health Needs	Prob, DMH & JCHS	Nov 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#30	Supervision of Youth	Probation	Oct 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#37	Orientation to Juvenile Hall	Probation	Dec 31, 2006
#38	Grievance System	Probation	Nov 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#40	Transportation to Outside Appointments	Probation	Nov 30, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#43	Access to Care -Mental Health Services	Probation	Nov 30, 2006
#51	Security	Probation	Nov 30, 2006
#67	Consent Forms	Prob. JCHS & DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

TOTAL PROVISIONS: 20

PROVISIONS IN 12-MONTH FORMAL MONITORING COMPLIANCE STAGE

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
#10	Assessments (initial identification)	DMH	Feb 28, 2007
#18	Restraints	Probation	Feb 28, 2007
#22	Suicide Prevention	Probation	Feb 28, 2007
#23	Sharing of Information	Probation	Feb 28, 2007
#24	Assessment (ongoing evaluations)	DMH	Feb 28, 2007
#44	Eyeglasses	JCHS	Sep 01, 2006
#52	Fire Safety	Probation	Dec 01, 2006
#53	Food Safety	Probation	Dec 01, 2006
#54	Medically-Necessary Diets	Probation	Dec 01, 2006

TOTAL PROVISIONS: 9

PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING IN THE NEXT REPORTING PERIOD

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#11	Treatment Planning	DMH	July 2007
#13	Counseling Services	DMH	July 2007
#15	Individualized Behavior Modification	ALL	Aug 2007
#16	Substance Abuse	DMH/Probation	Aug 2007
#25	Management of Suicidal Youth	DMH/Probation	June 2007
#26	Care for Self-Harming Youth	DMH/Probation	June 2007
#28	Chemical Restraint	Probation	July 2007
#29	Use of Force	Probation	Feb. 2007
#33	Rehabilitation	Probation/LACOE	Aug 2007
#45 *	Hygiene	JCHS/Probation	Apr 2007
#48	Parent Participation	LACOE	Aug 2007
#49	Transition Planning and Services	LACOE	Aug-Oct 2007
#55	Youth Hygiene	Probation	Aug 2007

**Granted tentative monitoring status during the Monitor's April, 2007 visit. A final review of continued progress will be made during the Monitor's August 2007 visit.*

TOTAL PROVISIONS: 13

PROVISIONS NOT ANTICIPATED TO BE READY FOR FORMAL MONITORING DURING THE NEXT REPORTING PERIOD

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#12	Case Management	DMH	Sept-Oct 2007
#27	Staffing (Probation)	Probation	Sept-Nov 2007
#31	Child Abuse Investigation	Probation	Sept-Nov 2007
#32	Use of Force Review	Probation	Aug-Oct 2007
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	Aug-Oct 2007
#41	Medical Records Transfer	JCHS	Sept-Nov 2007
#46	Special Education	LACOE	Aug-Oct 2007
#47	Related Services	LACOE	Aug-Oct 2007
#50	Materials, Space and Equipment	LACOE	July 2007
#56	Audit Process for DOJ	ALL	Nov 2007

TOTAL PROVISIONS: 10

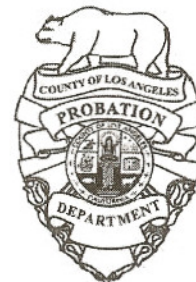


ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

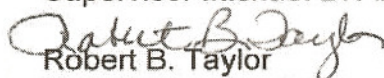
(562) 940-2501



November 21, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM:


Robert B. Taylor
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT QUARTERLY
COMPLIANCE PROGRESS REPORT (JULY – SEPTEMBER 2007)**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice (DOJ) settlement agreement. This quarterly report covers July 1, 2007 through September 30, 2007. The next report will be submitted in January 2008 and will cover October 1, 2007 through December 31, 2007.

During the quarter, the County and LACOE, through their respective counsel, have completed their collaborations with the DOJ to extend the existing settlement agreement for an additional 27 months. An agreement, in principle, was reached which required the amendment of some of the provisions (also referred to in this document as "paragraphs") in the "Action Plans" which are used by the agencies as a roadmap toward compliance. In accordance with this agreement, LACOE's Special Education Provision (#46) was separated into five sections, and each of these five sections will be monitored separately. The addition of four LACOE provisions raises the total number of provisions subject to the settlement agreement from fifty-two (52) to fifty-six (56).

On July 24, 2007, the extended settlement agreement was reviewed and approved by your Board. Full compliance with the settlement agreement must be achieved by no later than December 2009. Each of the impacted agencies has completed the final amendments to

their respective Action Plans, which have been reviewed and approved by the Department of Justice and the Monitors and provided to your Board.

Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 56 provisions:

- 21 (38%) are in compliance with the settlement agreement – these have been in formal monitoring for the required 12 consecutive months, and thus, are no longer required to be under formal monitoring. These provisions are identified in Attachment I.
- 9 (16%) are currently in the 12-month formal monitoring stage. These provisions are also identified in Attachment I. Of these nine (9) provisions, three (3) are anticipated to complete the formal monitoring process during the next reporting period, October 1, 2007 to December 31, 2007.
- 17 (30%) are anticipated to be ready to begin formal monitoring during the next reporting period, October 1, 2007 to December 31, 2007, as significant progress towards compliance has been achieved in these areas. These provisions are identified in Attachment II.
- 9 (16%) are not anticipated to be ready for formal monitoring during the next reporting period, October 1, 2007 through December 31, 2007. These provisions are also identified in Attachment II.

The following provides a current and prior quarter progress comparison:

COMPLIANCE STATUS OF SETTLEMENT AGREEMENT PROVISIONS CURRENT & PRIOR QUARTER COMPARISON		
Compliance Category	Prior Quarter	Current Quarter
Number of Provisions in Compliance	20 or 36%	21 or 38%
Number of Provisions in 12-month Formal Monitoring Stage	9 or 16%	9 or 16%
Number of Provisions Anticipated to Begin Formal Monitoring in the Next Reporting Period	13 or 23%	17 or 30% *
Provisions Not Anticipated to be Ready for Formal Monitoring During the Next Reporting Period	14 or 25%*	9 or 16%
TOTAL	56 or 100%	56 or 100%

* Includes four additional provisions related to the restructuring of Paragraph #46, Special Education, into five separate provisions, increasing the total provisions requiring monitoring from 52 to 56, as agreed to by the Department of Justice.

SUMMARY OF COUNTY'S PROGRESS: JULY 1, 2007 – SEPTEMBER 30, 2007

PROBATION

Provision 16 – Substance Abuse: Probation and the Department of Mental Health have completed the necessary contracting processes/amendments to begin providing long-term substance abuse service for youth at the three juvenile halls. It is anticipated that services will be initiated during the month of November 2007, and that the "Substance Abuse" provision (#16) will be ready for formalized monitoring consideration in December, 2007.

Provision 31 – Child Abuse Investigation: A management change was recently initiated within the Probation Department's Child Abuse Investigations Unit. This change resulted in the prompt establishment of policies, procedures, documentation requirements and response protocols designed to ameliorate concerns voiced by the Monitor. In addition, the Monitor has provided technical assistance to the new unit manager. These efforts, coupled with the establishment of the Probation Department's "Office of Independent Review" staffed by an independent counsel responsible for reviewing the investigations completed by the unit who then forwards them to the Chief Deputy Probation Officer for review and initiation of disciplinary action as appropriate, and/or referral to the District Attorney for review for potential criminal charges, should ready this provision for consideration of formal monitoring during the next two quarterly reporting periods.

Provision 27 - Staffing: The Staffing provision (#27) presents the greatest challenge to the Department regarding its ability to move this provision into formalized monitoring status and achieve substantial compliance. As your Board is aware, this provision has been the subject of several discussions with the Monitors, and the DOJ attorney. The Monitor for this provision has expressed concerns regarding the juvenile halls' collective abilities to provide appropriate staff to keep minors reasonably safe and allow for rehabilitative efforts to occur successfully. Substantial compliance requirements for this provision are two-fold. Sufficient staff must be available to ensure that: 1) youth are maintained in a reasonably safe environment in which the reduction of incidents of youth-on-youth violence, the reduction of incidents where force is utilized and the minimization of opportunities for mentally ill minors to engage in self-harming behaviors are emphasized; and 2) that youth are provided full programming opportunities which include consistent access to rehabilitative opportunities, proper nutrition, adequate clothing and bedding, regular opportunities for hygiene, access to educational services, regularly scheduled participatory recreational activities, routine access to medical, dental and mental health care. The Primary Monitor for this provision has expressed concern that while uses of force and incidents of youth-on-youth violence are decreasing, he is not convinced that youth are provided with opportunities for full programming due to insufficient staffing levels in the living units.

Provision 28 – Chemical Restraint: The rate of OC usage during the first ten months of calendar year 2007 (109 uses) has decreased significantly as compared to calendar year 2006 (163 uses). If this usage trend continues, it will result in approximately 144 uses of OC spray during the calendar year, which will be even less than the 152 uses that occurred in calendar year 2005. This will be the lowest number of OC incidents demonstrated by the County on an annualized basis during the three years of the Settlement Agreement.

The Department has issued an Administrative Policy regarding the Safe Crisis Management Review Process. Increased emphasis has been placed on the OC post incident review process to determine whether minors who were sprayed were on psychotropic medication or had a physical or medical condition that would be contraindicated to its use. Incident reviews continue to show improvement and decontamination timeframes are generally being adhered to. The tracking and weighing of OC canisters has also improved. Questions have been added to the process that determine whether an excessive quantity of chemical spray was discharged, or whether the OC discharge may have contaminated innocent parties unnecessarily.

Provision 29 – Use of Force and Provision 35 – Youth-on-Youth Violence: Extrapolated Use of Force (provision #29) and Youth-on-Youth Violence (provision #35) data for January to August, 2007 indicates that the three juvenile halls have demonstrated a four percent (4%) overall decrease in use of force incidents, and a fifteen percent (15%) decrease in incidents of youth-on-youth violence as compared to the same period in 2006. One facility (BJNJH) experienced a 26% increase in the number of use of force incidents (506 instances in 2007 as compared to 402 in 2006). The other two facilities (CJH and

LPJH) combined have experienced an approximate 30% decrease in the number of use of force incidents, thereby, resulting in a 4% net decrease in the entire Bureau. Bureau managers and the Monitor are monitoring the BJNJH situation closely and assessing the cause(s) for this increase and providing resource assistance as necessary.

Provision 33 - Rehabilitation: The Behavior Management Program (BMP) has been fully implemented at all three juvenile halls. The Individualized Behavior Modification (#15), and Youth-on-Youth Violence (#35) provisions which impact this provision have been identified to the Monitors as being ready for formalized monitoring consideration. The Mental Health and Probation Monitor will assess these provisions in February 2008.

Provision 55 – Youth Hygiene and Provision 56 – Audit for DOJ: During the Quarter, Probation, LACOE and the Environmental Health Monitor have collaborated on the creation of an auditing tool for the Youth Hygiene provision (#55). The auditing tool was beta-tested in September 2007, finalized in October 2007 and implemented in November 2007. The Monitor has indicated that if the tool is utilized appropriately and sufficient data is collected to form a baseline for month-to-month comparisons, the "Youth Hygiene" provision (#55) and the "Audit for DOJ" provision (#56) should be ready for formalized monitoring consideration in January, 2008.

DEPARTMENT OF HEALTH SERVICES - JUVENILE COURT HEALTH SERVICES

Provision 10 - Assessment: The Eye Clinic continues in full operation at Central Juvenile Hall. Youth have received in-house eye services since June 2006. The "Eyeglasses" provision (#44), which was granted formalized monitoring in September 2006, has completed the 12-month formalized monitoring process.

Provision 41 – Medical Records: Probation, JCHS and DMH continued their collaborations with County Counsel, the Sheriff's Department and Cerner Corporation, the proposed vendor, regarding the development of an Electronic Health Record (EHR) system for the safe and expeditious transfer of medical record data, which will achieve compliance with this provision. During the reporting period, Probation identified a manager for the EHR Project. The Project Manager initiated the business-needs review of the project and has conducted ongoing interviews with the Health Administrator, Medical Director and Nursing Director to clarify operational needs of the system. Future meetings are planned to interview physicians, dentists, nurses and medical records staff to clarify daily routine information needs of the system. The Project Manager has engaged in ongoing collaborations with County Counsel, the Sheriff, and the Cerner Corporation to assess the contractual and architectural needs related to the system. A development plan will be proffered to the Medical Monitor during his visit in November, 2007. It is anticipated that the Monitor will place this provision into formalized Monitoring at the conclusion of the Monitor's visit.

DEPARTMENT OF MENTAL HEALTH

Provision 10 - Assessment: This provision is currently in formal monitoring compliance, as of February 28, 2007. In addition, a Continuous Quality Improvement (CQI) process has been put in place to provide feedback on a more real-time basis. On-site mental health program Quality Assurance Committees have been put in place at each of the juvenile halls. The Monitor has noted that the Mental Health audits are conducted with a high degree of accuracy and that the compliance standards are comparable to or above community standards.

Provision 11 - Treatment Planning: This provision continues to show improvement. The Monitors noted that the treatment plan that the County has developed is excellent and has been implemented at all facilities. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. The Boys and Girls Enhanced Supervision Units are open and house 15 boys and 15 girls on a daily basis. The Enhanced Supervision Units are a significant improvement in the integrated management of mentally ill youth who exhibit aggressive and self-harming behaviors. The Monitor noted that the CARE and ESU units continue to show programmatic maturation and that this is particularly evident in the initiation of an organized discharge planning process. He noted that DMH and Probation should be commended in establishing a position for a Discharge Planner. This provision was put forward for consideration for formalized monitoring by the Monitor in August 2007.

Provision 12 - Implementation of the Treatment Plan: The Monitors note that treatment plan coordination and case management have significantly improved through the IBMP process. CJH has initiated an additional IBMP meeting to address the increasing number of mentally ill youth housed in the Enhanced Supervision and CARE Units. The on-site QA staff and the CQI process have helped to improve performance on this provision. Significant improvement has been made at all three halls with regard to the efforts to contact parents or guardians.

Provision 13 - Counseling Services: The Monitors note that there is considerable evidence that counseling services provided to youth has continued to improve. The IBMP process allows for discussions and implementation of both counseling and case management strategies for youth. DMH continues to work to improve the overall quality of documentation of counseling services. The newly hired QA Auditors are working with DMH and contract Mental Health staff in this arena. Documentation training was conducted for all directly-operated and contract agency staff. This provision will be put forward for consideration for formal monitoring by the Monitor in January 2008.

Provision 25 - Management of Suicidal Youth and Provision 26, Care for Self-Harming Youth: These provisions will be proffered for formal compliance monitoring during the next monitoring visit. The County continues to make progress in managing and caring for the population of self-harming youth. Enhanced Supervision Units (ESU) were opened at Central Juvenile Hall which provide a higher level of care for self-harming

minors. In addition, the improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs. During this quarter, the overall assessment compliance scores for youth on Level 3 was 98%, and for youth on Level 2 was 96%.

SUMMARY OF LOS ANGELES COUNTY OFFICE OF EDUCATION PROGRESS

Paragraph 46 – Special Education: This paragraph was restructured into the following five separate provisions (46.1 through 46.5) as agreed to by the Department of Justice.

Paragraph 46.1 – Special Education Upon Intake: The Student Records Acquisition Unit (SRA) continued to provide consistency for all three Juvenile Hall Schools in making timely requests for students' previous school records. This centralized student records request system has expedited retrieval of school records from local districts. Additionally, the SRA Unit conducted follow-up communications with students' previous schools when records were not received within pre-established timeframes. Initial contacts and follow-up efforts conducted by the SRA staff are documented in LACOE's student information database. During this quarter, LACOE implemented a new Student Information Summary (i.e., enrollment form), which includes additional questions to help identify whether a student had received special education services prior to incarceration.

Paragraph 46.2 – Staffing: All special education teachers in the three juvenile halls have the appropriate credentials necessary to provide instruction for students who have Individual Education Plans (IEPs). During this quarter, each of the juvenile halls had additional part-time psychologists assigned to help provide special education services to students. A total of four additional full-time psychologist positions for the three Halls have been approved by the Superintendent. The recruitment and filling for these positions is in progress.

Paragraph 46.3 – Screening for Special Education Needs: LACOE's Special Education Local Plan Area (SELPA) staff have implemented a standard Student Planning Team (SPT) process within the three Halls. Each of the three juvenile halls' has assigned LACOE administrators to lead/facilitate the SPT process with their respective juvenile hall. LACOE SELPA staff developed comprehensive, standardized SPT process training materials which have been provided to the juvenile hall SPT Leads. LACOE consistently requests for Probation to hold students in the Hall when an SPT (or IEP) meeting was scheduled.

Paragraph 46.4 – Individual Education Programs: LACOE consistently sends permission to assess (PTA) forms to parents, surrogates and guardians so LACOE can perform special education assessments and prepare IEPs within legal timelines. LACOE continued to strive to ensure all LACOE required participants (e.g., general education teachers) attended IEP meetings. During this quarter, Administrative Placements (APs) were not consistently completed by Hall staff within three school days. As such, LACOE has recently taken action to centralize the AP preparation process, which will now be done

by Senior Program Specialists in the SRA Unit. LACOE continues to maintain a continuum of placement options for special education students in the three Halls that include: resource specialist services, special day classes (SDC), general education courses with designated instructional services support, language and speech services, and counseling services. Two SDC classrooms for adult-charged youth were opened at Barry J. Nidorf Juvenile Hall during this reporting quarter.

Paragraph 46.5 – Training and Quality Assurance: Three LACOE SELPA administrators with special education expertise were assigned to the Halls (one for each Hall) to provide/facilitate requisite training and perform quality assurance reviews. Specifically, LACOE SELPA staff has facilitated the following training for Hall staff and other appropriate people over the past several months: SPT process, Assistive Technology, Writing Legally Defensible Individual Education Plans, LACOE SELPA Special Education Programs and Procedures, Surrogate Parent and IDEA Training and Positive Behavior Support Plans. The Assistant Principals of Special Education at each of the three Halls collect data weekly on the percentage of students in the Halls who have IEPs.

Paragraph 47 – Related Services: LACOE continues to identify students who qualify for special education related services (e.g., speech and language, counseling, etc.). Related service needs are documented in student's IEPs. Special education providers at the three Halls consistently document when they are ready, willing and able to provide special education services, but the students did not receive a portion or all of the services listed in the IEP. This includes documenting acceptable reasons (e.g., medical, court, safety, etc.) why students did not receive the services listed in the IEP.

LACOE and DHS have reinforced the process for the school obtaining vision and hearing screening information from DHS. An official form for requesting this information, which was agreed upon by both agencies was used during this reporting quarter. LACOE continues to participate in the Individual Behavior Management Program (IBMP) meetings each week with Probation and Mental Health at each juvenile hall to identify and address students' social, emotional, and academic needs.

Paragraph 48 – Parent Participation: The staff at the three juvenile halls continue to involve students' parents (guardians or surrogate parents, when applicable) in their child's education. These stakeholders were consistently invited to their child's IEP meetings. LACOE has done an efficient job of providing parents a ten-day notice prior to the IEP meeting to ensure their availability to attend. If parents inform staff that they are not available for the IEP meeting on the scheduled date, the opportunity to participate via teleconference or a different date is discussed with and offered to the parent. LACOE has a systematic process for documenting contacts, attempts to contact, parents' availability, and parents' refusal to participate. At the three Halls, LACOE consistently requests parents be given an opportunity to meet with their child for at least 15 minutes prior to or after the IEP meeting. As indicated in Paragraph 46.5, LACOE SELPA staff facilitated training for surrogate parents during this reporting quarter.

Paragraph 49 – Transition Planning and Services: At each of the three Halls, LACOE staff continued to prepare Individual Transition Plans (ITPs) for special education students who are 16 years or older. LACOE Internal Auditors noted in a recent review that 100% of special education students that were 16 or older at the time of their IEP meeting had an ITP. Additionally, the Auditors noted that Hall staff consistently invited the appropriate agencies (e.g., Probation) who are responsible for providing transition services to participate in IEP meetings.

The Assistant Principal of Special Education at each Hall is responsible for performing periodic quality performance reviews of ITPs to ensure they contain the following elements: instruction, related services, community experiences, development of employment and other post-school adult living objectives. Ongoing ITP trainings are being facilitated by LACOE SELPA staff to enhance transition planning and services for special education students.

Paragraph 50 – Materials, Space and Equipment: At each of the three juvenile halls, LACOE has sufficient textbooks and instructional materials available for classroom instruction, as verified by one of the Education Monitors. There is also a procedure for each Hall to replenish textbooks and instructional materials to remain sufficient. Students whose IEPs designate additional specific instructional material support are provided the necessary materials as described in the IEPs.

The English Learner (EL) Program at the three Halls remains in substantial compliance. The staff at each Hall is doing an efficient job of quickly identifying students who qualify for EL services and appropriately placing students in EL courses. The number of credentialed teachers and paraeducators is adequate to provide the necessary services for these students.

LACOE and Probation continue to collaborate on facility and space issues to resolve any facility issues. Probation has made significant progress in reconfiguring Barry J. Nidorf to ensure educational services are provided to High Risk Offender (HRO) youth. It is anticipated that the reconfiguration of Nidorf will be completed by December 2007, and LACOE will immediately begin providing the appropriate educational services to the HROs in the new classrooms. The Education Monitor will review Paragraph 50 during his November visitation, and it is LACOE's expectation that the Monitor will determine that LACOE is in substantial compliance with Paragraph 50.

LACOE General Comments: LACOE's Internal Auditors, under the supervision of LACOE management, audit Paragraphs 46.1 through 50. On November 5, 2007, LACOE reassessed their progress on Paragraphs 46.1 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated below. LACOE management has been working closely with the Education Monitors and has reached a mutual understanding of the definition of substantial compliance. The Education Monitors will provide details of LACOE's progress toward substantial compliance in their upcoming semi-annual report.

Anticipated Dates for Requesting Formal Monitoring

Paragraph 46-1: Special Education Upon Intake	December 2007
Paragraph 46-2: Staffing	December 2007
Paragraph 46-3: Screening – Special Education	December 2007
Paragraph 46-4: Individual Educational Programs	December 2007
Paragraph 46-5: Training and Quality Assurance	December 2007
Paragraph 47: Related Services	December 2007
Paragraph 48: Parent Participation	December 2007
Paragraph 49: Transition Planning and Services	December 2007
Paragraph 50: Materials, Space and Equipment	November 2007

AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team, which consists of representatives from DHS, DMH and Probation. The QA Team is responsible for monitoring the County's implementation of the settlement agreement provisions.

In August 2007, Paragraph 44 (Eyeglasses) was granted full compliance bringing the total number of paragraphs in full compliance to 21 of the 56 paragraphs. The DOJ also began formal monitoring for Paragraph 45 (Hygiene). Since January 2007, the DOJ began formal monitoring on a total of nine paragraphs (10, 18, 22, 23, 24, 45, 52, 53, and 54).

Regarding nine of the remaining 26 paragraphs, LACOE staff monitors the implementation status. For the remaining 17 paragraphs, we noted the following:

- 7 paragraphs showed a 90% or above compliance rate.
- 6 paragraphs showed an 80% to 89% compliance rate.
- 2 paragraphs showed a 70% to 79% compliance rate.
- 2 paragraphs showed a less than 70% compliance rate.

Please contact me if you have any questions, or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (562) 940-2754.

RBT:RB:dn

Attachments (2)

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Doyle Campbell, Deputy Chief Executive Officer
Raymond G. Fortner, Jr., County Counsel
J. Tyler McCauley, Auditor-Controller
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

PROVISIONS IN COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#8	Mental Health Staffing	DMH	Nov 30, 2006
#9	Screening	DMH	May 31, 2006
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#17	Psychotropic Medications	Probation	Nov 30, 2006
#19	Access to Care for Medical Services	Probation	Nov 30, 2006
#20	Staff Understand Mental Health Needs	Prob, DMH & JCHS	Nov 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#30	Supervision of Youth	Probation	Oct 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#37	Orientation to Juvenile Hall	Probation	Dec 31, 2006
#38	Grievance System	Probation	Nov 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#40	Transportation to Outside Appointments	Probation	Nov 30, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#43	Access to Care -Mental Health Services	Probation	Nov 30, 2006
#44	Eyeglasses	JCHS	Sep 01, 2007
#51	Security	Probation	Nov 30, 2006
#67	Consent Forms	Prob. JCHS & DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

TOTAL PROVISIONS: 21 (38%)

PROVISIONS IN 12-MONTH FORMAL MONITORING COMPLIANCE STAGE

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
#10	Assessments (initial identification)	DMH	Feb 28, 2007
#18	Restraints	Probation	Feb 28, 2007
#22	Suicide Prevention	Probation	Feb 28, 2007
#23	Sharing of Information	Probation	Feb 28, 2007
#24	Assessment (ongoing evaluations)	DMH	Feb 28, 2007
#45	Hygiene	JCHS/Probation	Apr 01, 2007
#52	Fire Safety	Probation	Dec 01, 2006
#53	Food Safety	Probation	Dec 01, 2006
#54	Medically-Necessary Diets	Probation	Dec 01, 2006

TOTAL PROVISIONS: 9 (16%)

PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING IN THE NEXT REPORTING PERIOD

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#11	Treatment Planning	DMH	Dec. 2007
#15	Individualized Behavior Modification	ALL	Dec 2007
#16	Substance Abuse	DMH/Probation	Dec 2007
#25	Management of Suicidal Youth	DMH/Probation	Nov 2007
#26	Care for Self-Harming Youth	DMH/Probation	Nov 2007
#28	Chemical Restraint	Probation	Nov 2007
#29	Use of Force	Probation	Nov 2007
#41	Medical Records Transfer	JCHS/Probation	Nov 2007
#46-1	Special Education at Upon Intake	LACOE	Dec 2007
#46-2	Staffing	LACOE	Dec 2007
#46-3	Screening for Special Education	LACOE	Dec 2007
#46-4	Individual Educational Programs	LACOE	Dec 2007
#46-5	Training and Quality Assurance	LACOE	Dec 2007
#47	Related Services	LACOE	Dec 2007
#48	Parent Participation	LACOE	Dec 2007
#49	Transition Planning and Services	LACOE	Dec 2007
#50	Materials, Space and Equipment	LACOE	Nov 2007

TOTAL PROVISIONS: 17 (30%)

PROVISIONS NOT ANTICIPATED TO BE READY FOR FORMAL MONITORING DURING THE NEXT REPORTING PERIOD

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#12	Implementation of the Treatment Plan	DMH	Feb. 2008
#13	Counseling Services	DMH	Jan. 2008
#27	Staffing	Probation	Apr 2008
#31	Child Abuse Investigation	Probation	Feb 2008
#32	Use of Force Review	Probation	Apr 2008
#33	Rehabilitation	Probation/LACOE	Feb 2008
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	Jan 2008
#55	Youth Hygiene	Probation	Jan 2008
#56	Audit Process for DOJ	ALL	Jan 2008

TOTAL PROVISIONS: 9 (16%)



ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

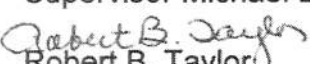
9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



May 1, 2008

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: 
Robert B. Taylor
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT QUARTERLY
COMPLIANCE PROGRESS REPORT (JANUARY - MARCH 2008)**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice (DOJ) settlement agreement. This quarterly report covers January 1, 2008 through March 31, 2008. The next report will be submitted in July 2008 and will cover April 1, 2008 through June 30, 2008.

In August 2007, the Settlement Agreement was extended for an additional twenty-seven (27) months. Full compliance with the settlement agreement must be achieved by no later than December 2009. In the extended agreement, LACOE's Special Education Provision (#46) was separated into five separate sections. The addition of four LACOE provisions raises the total number of provisions subject to the settlement agreement from fifty-two (52) to fifty-six (56).

Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's and LACOE's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County and LACOE maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 56 provisions:

- 29 (52%) are in compliance with the settlement agreement – these have been in formal monitoring for the required 12 consecutive months, and thus, are no longer required to be under formal monitoring. These provisions are identified in Attachment I.
- 14 (25%) are currently in the 12-month formal monitoring stage. These provisions are also identified in Attachment I. Of these fourteen (14) provisions, one (1) is anticipated to complete the formal monitoring process during the next reporting period, April 1, 2008 to June 30, 2008.
- 12 (21%) are anticipated to be proffered to the Monitors for approval to begin formal monitoring during the next reporting period, April 1, 2008 to June 30, 2008, as significant progress towards compliance has been achieved in these areas. These provisions are identified in Attachment II.
- 1 (2%) is not anticipated to be ready for formal monitoring during the next reporting period, April 1, 2008 to June 30, 2008. This provision is also identified in Attachment II.

The following provides a current and prior quarter progress comparison:

COMPLIANCE STATUS OF SETTLEMENT AGREEMENT PROVISIONS CURRENT & PRIOR QUARTER COMPARISON		
Compliance Category	Prior Reporting Period	Current Reporting Period
Number of Provisions in Compliance	24 (43%)	29 (52%)
Number of Provisions in 12-month Formal Monitoring Stage	8 (14%)	14 (25%)
Number of Provisions Anticipated to Begin Formal Monitoring in the Next Reporting Period	19 (34%) *	12 (21%) *
Number of Provisions <u>Not</u> Anticipated to be Ready for Formal Monitoring During the Next Reporting Period	5 (9%)	1 (2%)
TOTAL	56	56
TOTAL PROVISIONS IN COMPLIANCE OR IN 12-MONTH FORMAL MONITORING	32 (57%)	43 (77%)

* Includes four additional provisions related to the restructuring of Paragraph #46, Special Education, into five separate provisions, increasing the total provisions requiring monitoring from 52 to 56, as agreed to by the Department of Justice.

SUMMARY OF COUNTY'S PROGRESS: JANUARY 1, 2008 – MARCH 31, 2008

The statuses of each of the County's nine (9) provisions that have not yet entered the formalized monitoring process are included below. Each remaining provision is listed under the County Department that has primary responsibility for achieving compliance.

PROBATION – 7 PROVISIONS NOT YET IN FORMAL MONITORING:

Provision 16 – Substance Abuse: In the sixth DOJ semi-annual report dated December 10, 2007, the Monitor noted that DMH continues to work to improve the documentation of substance abuse treatment efforts by clinicians. Probation and DMH have completed the necessary contracting processes/amendments to begin providing long-term substance abuse service for youth at the three juvenile halls. These services were initiated by DMH in late October 2007 for minors with co-occurring/substance abuse disorders. Services were initiated in December 2007 for minors referred for substance abuse services by the other collaborating agencies. A formal policy related to the provision of substance abuse services was implemented in the three juvenile halls in early February, 2008.

The Monitor reviewed the County's progress on this provision during the most recent monitoring visit. The Monitor indicated that the Substance Abuse referral processes currently in place and being utilized by the involved agencies are appropriate and appear to be functioning well at the initial level. He anticipates these will get better as the processes progress. He expressed concerns however, regarding the consistency of the application/coordination of the actual Substance Abuse Treatment protocols after interviewing the substance abuse provider at Barry J. Nidorf Juvenile Hall. He requested that DMH meet with the service providers and develop specific treatment planning approaches that are aligned with the Behavior Management Programming (BMP) LEAPS processes. The treatment-planning outcome of these meetings should be documented and a specific implementation date be established that will require all providers to provide treatment in the same evidence-based manners that are appropriate to the individual minor being treated. The County anticipates that these tasks will be completed by mid-May, 2008. This provision will be proffered for formalized monitoring consideration in May, 2008.

Provision 27 - Staffing: Probation representatives met with the Monitor in October of 2007 to clarify the Monitor's expectations as regards what constitutes substantial compliance. The Monitor expressed concern regarding the lack of a sufficient number of staff actually present in the living units to keep minors reasonably safe and allow for rehabilitative efforts to occur successfully. In a January 2008 meeting with the Monitor, it was agreed that the level of staffing, at a ratio of one staff member for every ten minors assigned to the living unit, will be monitored through reviews of facility schedules, log books, and Shift Condition Reports. The reportable facility staffing ratios will be representative of the number of staff actually present in individual living units and specialized units, and will not encompass staff assigned to Movement and Control or other

specialized duties within the facility. After consultation with the Monitor, the Probation Department, with the assistance of the Chief Executive Office, developed a plan to hire approximately 200 additional Detention Services Officers during the quarterly reporting period (January 1, 2008 to March 31, 2008) to meet these staffing requirements. These additional staff will allow the Department to staff the living units at a level sufficient to meet the Monitor's outlined expectations.

The Monitor visited the facilities in February 2008, reviewed documents, interviewed staff and minors, and noted that the staff to minor ratios in the specialized units were sufficient; and that the staffing levels in the regular living units appear to be approaching the one staff member to ten minor ratio that is enjoyed by other juvenile facilities in the nation. He indicated that interviews with staff revealed that unit staffing has been greatly increased in the units and has been consistent for the most part. He expressed concerns regarding the staffing levels in the unfit units at BJNH. While he notes that there has been an increase in the number of staff in the unfit units, he is not sure that the staff is being appropriately positioned in the units to provide maximum supervision, which will allow them to intervene in incidents before they escalate into youth-on-youth violence (YOYV) incidents of a minor or major stature. He suggested that staff positioning be clarified and assigned posts be established within the living units during the various activities in the compound units to maximize supervision. He further suggested that the staffing in the compound units be increased for maximum supervision. Overall he noted that the County was making progress in staffing the units in a manner that allowed for rehabilitative efforts to occur.

As of March 31, 2008, internal statistical indices reveal that living units throughout the three juvenile halls are operating at staffing levels that meet or exceed the one staff to ten minors ratio on the 6:00 a.m. to 2:00 p.m. and the 2:00 p.m. to 10:00 p.m. shifts.

The satisfactory provision of rehabilitative services and the maintenance of a reasonably safe environment as determined by the Monitor for Paragraph 32 (Use of Force Review) and Paragraph 35 (Youth-on-Youth Violence) will be indicative of an appropriately staffed facility and will meet the substantial compliance requirements. It is anticipated that this provision will be ready for presentation to the Monitor for formal monitoring during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 29 – Use of Force: This provision generally required the Probation Department to revise its use of force policies and procedures and provide training to its staff, supervisors and Directors in new use of force techniques. All of the compliance points for this provision have been met. This provision will be proffered for formalized monitoring consideration during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 32 – Use of Force Review: The Detention Services Bureau encompasses three juvenile halls with a combined average daily population of 1,700 to 1,800 minors. Use of force data indicates that the Detention Services Bureau, as a whole, has experienced an eleven percent (11%) increase in the number of use of force incidents

during the first three months of calendar year 2008 (369 incidents) as compared to the last three months of calendar year 2007 (332 incidents).

An analysis of the above data reveals that despite the increase in the number of incidents, there remain about four instances of use of force each day within the entire Detention Services Bureau (4.0 instances per day as compared to 3.6 incidents last quarter). Over half of these uses of force situations were resolved with the deployment of lower levels of force that did not result in the minors being taken down to the ground. Only one serious injury was sustained by a minor as a result of the use of force.

In our last quarterly report (October 1 to December 31, 2007), it was noted that one facility (BJNJH) was experiencing particular difficulty with use of force issues as they had experienced a forty-nine percent (49%) increase in the number of use of force incidents (599 incidents) in calendar year 2007 as compared to calendar year 2006 (402 incidents). During the first three months of calendar year 2008, BJNJH experienced 143 uses of force as compared to 145 uses of force during the last three months of calendar year 2007. Although still relatively high, it appears that there has been some stabilization as regards this issue at that facility. The facility administrators continue to work to effect further reductions in this area. Conversely, Central Juvenile Hall experienced a twenty-eight percent (28%) increase in use of force incidents for the first three months of calendar year 2008 (151 incidents) as compared to the last three months of calendar year 2007 (118 incidents); and Los Padrinos Juvenile Hall experienced a slight increase in use of force incidents (10%) during the first three months of calendar year 2008 (75 incidents) as compared to the last three months of calendar year 2007 (68 incidents).

The frequency of use of force incidents within the Detention Services Bureau are monitored closely by the Department's Use of Force Steering Committee, comprised of Probation Department executive level staff and key managers from within the DSB. Detailed, cumulative statistical data for each month regarding use-of-force, youth violence, school suspensions, school referrals, recreation participation, and behavior management programming is provided to the steering committee on a weekly basis. The steering committee reviews this operational data with an eye toward identifying areas of concern (high levels of incidents or apparent non-compliance with expectations) and then addresses the concerns with Bureau and facility managers attending the meetings.

The monitor continues to assess the statistical trends regarding use of force. Recently, he indicated that to achieve formal monitoring, the uses of force at BJNJH and CJH should eventually approximate that of Los Padrinos, or justification should be provided to the monitor indicating why these two facilities' incident numbers are appropriate relative to their almost comparable daily populations. The County has met with the Monitor on several occasions during this reporting period to discuss the operational trends and challenges that are impacting these statistics. The Monitor has asked the County to create more detailed tracking and analytical databases designed to separate out the regular living unit incidents from the Special Handling Units, the Enhanced Supervision Units and the Unfit Units. Additional meetings are scheduled with the Monitor to assess these issues. In

the interim, Departmental and facility administrators continue to meet, assess and implement changes designed to address these critical use of force issues. It is anticipated that this provision will be ready for presentation to the Monitor for formal monitoring during July 2008.

Provision 33 - Rehabilitation: The Monitor for this provision has indicated that moving this provision into formalized monitoring status is dependent on the ability of the facilities to clearly document minors' BMP, recreation and educational program participation at compliance levels of ninety percent (90%).

The Individualized Behavior Management Planning (IBMP) processes have been fully implemented at all three juvenile halls. The Behavior Management Programming (BMP) has also been implemented at the three juvenile halls. Each living unit at each juvenile hall now has an individualized BMP schedule for the month that outlines all of the recreational and rehabilitative programming opportunities available to minors in that unit. Each juvenile hall has implemented a positive points rewards program where minors earn points for good behavior and exchange those points at the facility's Al Jones Children's Store. The Detention Services Bureau has created tracking and monitoring tools to assess progress in these areas. The Departmental Use of Force Steering Committee meets on a weekly basis and reviews compliance with these requirements.

During the Monitor's February, 2008 visit, the Monitor reviewed documents in various units at the facilities and interviewed staff and minors regarding operational activities including recreation, school attendance Behavior Management Programming (LEAPS programming, the points system, the merit ladder, and accessing the Al Jones Children's store). The Monitor noted that the Behavior Management Program appears to be in place and working appropriately as the minors knew about the LEAPS program, the points system, the merit ladder, etc. and indicated minors do attend the children's store on a regular basis. All minors appear to be attending school as required in all areas and minors assigned to regular and specialized units at the three facilities appear to be enjoying outdoor and indoor recreation as scheduled. He noted some concerns afforded the minors in the unfit units at BJNH. He suggested that this issue be given more attention, especially as regards scheduling of activities given the limited outdoor recreation areas available. The Monitor indicated that he will be returning in May to review the progress on these two provisions. This provision will be proffered for formalized monitoring consideration during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 35 – Youth-on-Youth Violence: As indicated earlier, the Detention Services Bureau encompasses three juvenile halls with a combined average daily population of 1,700 to 1,800 minors. Youth-on-youth violence data (fights and assaults) indicates that the Detention Services Bureau, as a whole, experienced a ten percent (10%) decrease in incidents of youth-on-youth violence during the first three months of calendar year 2008 (455 incidents) as compared to the last three months of calendar year 2007 (504 incidents). This trend, if maintained, will result in an overall decrease of 17% in

youth-on-youth violence incidents in 2008 (approximately 1,820 incidents) as compared to 2007 (2,202 incidents).

An analysis of the above data reveals that during the first three months of 2008, there were about five instances of youth-on-youth violence each day within the entire Detention Services Bureau as compared to six instances each day in calendar year 2007.

In comparing the first three months of 2008 with the last three months of 2007, all three of the facilities have experienced decreases in youth-on-youth violence with BJNJH experiencing a 10% decrease, CJH an 11% decrease, and LPJH a 6% decrease in incidents.

The Department's Use of Force Steering Committee is monitoring youth-on-youth violence issues closely. The steering committee reviews this data and addresses any issues with affected facility managers.

The Monitor indicated that he would be monitoring the statistical trends regarding youth-on-youth violence. To achieve formal monitoring, the rate of youth-on-youth violence at BJNJH and CJH should mirror that of Los Padrinos, or justification should be provided to the Monitor indicating why these two facilities' incident numbers are appropriate relative to their almost comparable daily populations. It is anticipated that this provision will be ready for presentation to the Monitor for formal monitoring during the April 1, 2008 to June 30, 2008 quarterly reporting period.

Provision 56 – Audit for DOJ: Probation, LACOE and the Environmental Health Monitor have collaborated on the creation of an auditing tool for provisions 51, 52, 53, 54, and 55. The auditing tool was beta-tested in September 2007, finalized in October 2007 and implemented in November 2007. The audit tools were placed in formal use during the month of December 2007 and trending data was captured for comparison purposes of future audits. In January, 2008, the Monitor reviewed the County's progress related to this provision and indicated that he wanted to see three months of "trending" data prior to moving this provision into formal monitoring status. The trending data has been collected on a monthly basis and will be sent to the Monitor for final review in early May, 2008. Upon review, it is anticipated that the Monitor will place this provision into formal monitoring compliance.

DEPARTMENT OF HEALTH SERVICES – JUVENILE COURT HEALTH SERVICES – ALL PROVISIONS IN FORMAL MONITORING.

Provision 41 (Medical Records Transfer) remains in formal monitoring status with anticipated completion in November 2008. All other provisions that are the responsibility of Juvenile Court Health Services have successfully completed the formal monitoring process.

DEPARTMENT OF MENTAL HEALTH – TWO PROVISIONS NOT YET IN FORMAL MONITORING:

Provision 11 - Treatment Planning: The DMH Standards and Quality Assurance unit has modified the Client Care Coordination Plan (Treatment Plan) specifically to meet Juvenile Justice operational needs. Upon full implementation, this treatment plan will assist in highlighting the specific treatment strategies developed by clinicians for minors.

The DMH Training Division continued to provide on-site training for juvenile justice clinical staff on evidence-based interventions known to be effective with this population, including Cognitive-Behavioral, Dialectical Behavior Therapy and interventions for Co-Occurring Disorders. The Monitor noted that treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities. The Monitor noted that the CARE and ESU units continue to demonstrate maturation.

Mental Health is in the process of training its clinical staff in the Treatment Plan at the Juvenile Halls. The Monitor has indicated that when the first group of clinicians has completed training and the Treatment Plan is initiated and placed in one minor's clinical file, he is to be telephonically notified and this provision, and Provision 12 (Implementation of the Treatment Plan), will be placed into formal monitoring status. The training of BJN/JH clinicians will commence May 1 and will be completed by May 15, 2008. It is anticipated that the County will notify the Monitor that the Treatment Plan has been implemented on or about the 15th of May, 2008, at which time the Monitor will place this provision into formal monitoring status.

Provision 12 – Implementation of the Treatment Plan: The Monitor noted that treatment plan coordination and case management have significantly improved. The on-site QA staff and the CQI process have helped to improve performance of this provision. The Monitor has noted that there is increasing evidence that youth are more effectively case-managed both within the halls and when they are moved to another facility or camp. DMH is in the process of implementing the Treatment Plan to help improve the focus of treatment provided and to provide continuity as youth move through the system.

SUMMARY OF LOS ANGELES COUNTY OFFICE OF EDUCATION PROGRESS – JANUARY 1, 2008 – MARCH 31, 2008 – FOUR PROVISIONS NOT YET IN FORMAL MONITORING:

Paragraph 46 – Special Education: This paragraph was restructured into five separate provisions (46.1 through 46.5) as agreed to by the Department of Justice, of which three of these five restructured paragraphs have not yet begun formal monitoring:

Paragraph 46.3 – Screening for Special Education Needs: Each of the three Juvenile Halls has assigned LACOE administrators to lead/facilitate the Student Planning Team (SPT) process with their respective juvenile hall. LACOE SELPA staff developed

comprehensive, standardized SPT process training materials, which have been provided to the SPT Leads. LACOE consistently requested for Probation to hold students in the Hall when an SPT (or IEP) meeting was scheduled. Based on recommendations from one of the Education Monitors, a few minor revisions were incorporated into the SPT Manual. LACOE provided training on the SPT referral process to Probation and DMH representatives in December 2007 and January 2008, as requested by the Education Monitor. To date, the Education Monitor is reviewing LACOE Internal Auditor's work papers and has not yet made a determination whether LACOE has reached substantial compliance for this paragraph.

Paragraph 46.4 – Individual Education Programs: LACOE School Psychologists performed functional analysis assessments (FAAs) in each of the three halls during January 2008. The Education Monitor stated that LACOE must perform FAAs, among other tasks, in order to reach substantial compliance for this paragraph. This was only accomplished due to the collaboration between LACOE and Probation, which worked together to develop and implement agreed upon protocols for LACOE to perform the FAAs in the halls. LACOE consistently sent permission to assess (PTA) forms to parents, surrogates and guardians so LACOE can perform special education assessments and prepare IEPs within legal timelines during this reporting period. LACOE continued to strive to ensure all LACOE required participants (e.g., general education teachers) attended IEP meetings. As requested by one of the Education Monitors, LACOE prepared and implemented a written protocol to invite other agencies (i.e., Probation, DMH, JCHS) to attend IEP meetings. During this quarter, administrative placements (APs) were consistently completed within three school days. LACOE accomplished this required task by hiring an additional Senior Program Specialist to prepare the APs. LACOE continues to maintain a continuum of placement options for special education students in the three Juvenile Hall Schools that include: resource specialist services, special day classes (SDC), general education courses with designated instructional services support, language and speech services, and counseling services.

Based upon the results of audits conducted by LACOE's internal auditors, LACOE consistently provided more than 90% of the Special Day Class (SDC)/Resource Specialist services listed in students' IEPs during this reporting period, taking into account acceptable reasons (e.g., medical appointments, court hearings) why students do not receive services.

During this monitoring period, LACOE made monthly requests from each hall for DMH to provide LACOE with a listing of services provided to youth referred to DMH by LACOE. This is a requirement of one of the Education Monitors.

LACOE continues to monitor the quality of IEPs by having LACOE SELPA staff review a sample of IEPs from each of the halls. These internal reviews show that improvement in the quality of IEPs is needed prior to LACOE reaching substantial compliance for this paragraph. During this reporting period, a standard quality assurance (QA) checklist for

IEPs was developed and implemented for the three juvenile halls. It is anticipated that this QA checklist will be beneficial, particularly for IEPs developed by new teachers in the halls.

The Education Monitor has stated that LACOE is close to reaching substantial compliance for this paragraph, but that the quality of IEPs needs to improve prior to her granting substantial compliance.

Paragraph 46.5 – Training and Quality Assurance: LACOE partnered with DMH to develop and provide training in February 2008 to teachers in the three halls to improve the identification of students whose mental health conditions make them eligible for special education services. The Education Monitor required LACOE and DMH to provide this training prior to the granting of substantial compliance for this paragraph. Three LACOE SELPA administrators with special education expertise assigned to the Halls (one for each Hall) continued to provide/facilitate requisite training and perform quality assurance reviews during this reporting period. Specifically, LACOE SELPA staff facilitated the following training for Hall staff and during this reporting period: preparing Individual Transition Plans, Transition Training – Trainer of Trainers, and Writing IEPs. The Assistant Principals of Special Education at each of the three Halls collect data weekly on the percentage of students in the three Halls who have IEPs. As indicated under paragraph 46.4, during this reporting period, a standard quality assurance (QA) checklist for IEPs was developed and implemented for the three juvenile halls. It is anticipated that this QA checklist will be beneficial, particularly for IEPs developed by new teachers in the halls.

Paragraph 49 – Transition Planning and Services: LACOE staff continued to prepare Individual Transition Plans (ITPs) for special education students who are or reach the age of 16 when their IEP meeting is held. LACOE Internal Auditors noted in recent audits that 100% of special education students that were 16 or older at the time of their IEP meeting had an ITP. Additionally, the LACOE's internal auditors noted Hall staff consistently invited appropriate agencies (e.g., Probation, DMH) responsible for providing transition services to participate in IEP meetings.

The Assistant Principal of Special Education at each Juvenile Hall is responsible for performing periodic quality performance reviews of ITPs to ensure they contain the following elements: instruction, related services, community experiences, development of employment and other post-school adult living objectives. During this reporting period, a LACOE SELPA administrator with special education expertise provided hands-on training to the juvenile halls' special education teachers on the preparations of ITPs that meet IDEA and State guidelines. Additionally, a transition plans expert that worked for the California Department of Education, provided ITPs training to juvenile halls special education teachers, among others, on January 23, 2008. Transition Training – Trainer of Trainers was also provided by the transition plans expert on February 20, 2008.

The Education Monitor has stated that LACOE still needs to improve the quality of the transition plans prior to the granting of substantial compliance for this paragraph.

LACOE General Comments: LACOE's Internal Auditors, under the supervision of LACOE management, audit Paragraphs 46.1 through 50. On March 18, 2008, LACOE reassessed their progress on Paragraphs 46.3, 46.4, 46.5, and 49 and revised the anticipated formal monitoring dates of their paragraphs as indicated on pages 14 and 15. The Education Monitors will provide details of LACOE's progress toward substantial compliance in each semi-annual report.

Anticipated Dates for Requesting Formal Monitoring

Paragraph 46-3: Screening – Special Education	January 2008 *
Paragraph 46-4: Individual Educational Programs	June 2008
Paragraph 46-5: Training and Quality Assurance	January 2008 *
Paragraph 49: Transition Planning and Services	June 2008

** LACOE has requested the Education Monitor to begin formal monitoring retroactive to January 2008, or before, for these paragraphs. As of the publishing of this report, the Monitor had not yet presented LACOE with a findings report related to these paragraphs.*

AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team, which consists of representatives from DHS, DMH and Probation. The QA Team is responsible for monitoring the County's implementation of the settlement agreement provisions.

In February 2008, Paragraphs 10 (Intake Assessments), 18 (Restraints), 22 (Suicide Prevention), 23 (Sharing of Information) and 24 (Self-Harm Assessments) were granted full compliance bringing the total number of paragraphs in full compliance to 29 of the 56 paragraphs as previously indicated. In addition, the DOJ began formal monitoring for Paragraphs 13 (Counseling), 15 (Individualized Behavior Modification), 25 (Management of Suicidal Youth), 26 (Care for Self-Harming Youth), 28 (OC Spray), 31 (Child Abuse Investigation), 46-2 (Staffing), 47 (Related Services), 48 (Parent Participation), 50 (Materials, Space and Equipment) and 55 (Youth Hygiene).

Regarding the remaining 13 paragraphs that have not yet begun formal monitoring, LACOE staff monitors the implementation status of four of the paragraphs; for the County's remaining 9 paragraphs, we noted the following:

- 6 paragraphs showed a 90% or above compliance rate.
- 3 paragraphs showed an 80% to 89% compliance rate.
- 0 paragraphs showed a 70% to 79% compliance rate.
- 0 paragraphs showed a less than 70% compliance rate.

Each Supervisor
May 1, 2008
Page 12 of 12

Please contact me if you have any questions, or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (323) 226-8876.

RBT:RB:dn

Attachments (2)

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Doyle Campbell, Deputy Chief Executive Officer
Raymond G. Fortner, Jr., County Counsel
Wendy L. Watanabe, Acting Auditor-Controller
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education

PROVISIONS IN COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#8	Mental Health Staffing	DMH	Nov 30, 2006
#9	Screening	DMH/LACOE	May 31, 2006
#10	Assessments (initial identification)	DMH	Feb 27, 2008
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#17	Psychotropic Medications	Probation	Nov 30, 2006
#18	Restraints	Probation	Feb 27, 2008
#19	Access to Care for Medical Services	Probation	Nov 30, 2006
#20	Staff Understand Mental Health Needs	All	Nov 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#22	Suicide Prevention	Probation/LACOE	Feb 27, 2008
#23	Sharing of Information	Probation/LACOE	Feb 27, 2008
#24	Assessment (ongoing evaluations)	DMH	Feb 27, 2008
#30	Supervision of Youth	Probation/LACOE	Oct 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#37	Orientation to Juvenile Hall	Probation	Dec 31, 2006
#38	Grievance System	Probation	Nov 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#40	Transportation to Outside Appointments	Probation	Nov 30, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#43	Access to Care -Mental Health Services	Probation	Nov 30, 2006
#44	Eyeglasses	JCHS	Sep 01, 2007
#51	Security	Probation	Nov 30, 2006
#52	Fire Safety	Probation	Dec 01, 2007
#53	Food Safety	Probation	Dec 01, 2007
#54	Medically-Necessary Diets	Probation	Dec 01, 2007
#67	Consent Forms	Prob/JCHS/DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

TOTAL PROVISIONS: 29 (52%)

**PROVISIONS IN 12-MONTH
FORMAL MONITORING COMPLIANCE STAGE**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
#13	Counseling Services	DMH	Feb 28, 2008
#15	Individualized Behavior Modification	ALL	Feb 28, 2008
#25	Management of Suicidal Youth	DMH/Prob/LACOE	Feb 28, 2008
#26	Care for Self-Harming Youth	DMH/Probation	Feb 28, 2008
#28	Chemical Restraint	Probation	Feb 28, 2008
#31	Child Abuse Investigation	Probation	Feb 28, 2008
#41	Medical Records Transfer	JCHS/Probation	Nov 21, 2007
#45	Hygiene	JCHS/Probation	Apr 27, 2007
#46-1	Special Education at Upon Intake	LACOE	Jan 1, 2008
#46-2	Staffing	LACOE	Dec 1, 2007
#47	Related Services	LACOE	Jan 1, 2008
#48	Parent Participation	LACOE	Dec 1, 2007
#50	Materials, Space and Equipment	LACOE	Feb 20, 2008
#55	Youth Hygiene	Probation	Feb 1, 2008

TOTAL PROVISIONS: 14 (25%)

**PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING
IN THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#11	Treatment Planning	DMH	May 2008
#12	Implementation of the Treatment Plan	DMH	May 2008
#16	Substance Abuse	DMH/Probation	May 2008
#27	Staffing	Probation	May 2008
#29	Use of Force	Probation	June 2008
#33	Rehabilitation	Probation/LACOE	May 2008
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	June 2008
#46-3	Screening for Special Education	LACOE	Jan 2008 *
#46-4	Individual Educational Programs	LACOE	June 2008
#46-5	Training and Quality Assurance	LACOE	Jan 2008 *
#49	Transition Planning and Services	LACOE	Jun 2008
#56	Audit Process for DOJ	ALL	May 2008

TOTAL PROVISIONS: 12 (21%)

* LACOE has requested the Education Monitor to begin formal monitoring retroactive to January 2008, or before, for these paragraphs. As of the publishing of this report, the Monitor had not yet presented LACOE with a findings report related to these paragraphs.

**PROVISIONS NOT ANTICIPATED TO BE READY FOR
FORMAL MONITORING DURING THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
#32	Use of Force Review	Probation	July 2008

TOTAL PROVISIONS: 1 (2%)



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2706
PHONE: (213) 974-8301 FAX: (213) 626-5427

WENDY L. WATANABE
ACTING AUDITOR-CONTROLLER

April 2, 2008

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Wendy L. Watanabe *Wendy Watanabe*
Acting Auditor-Controller

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT –
MARCH 2008 MONITORING RESULTS**

As requested, attached are the results of the Auditor-Controller (A-C) monitoring review of the County's juvenile halls for March 2008. The monitoring reviews are used to measure Los Angeles County's (County) progress in implementing the 56 recommendations (referred to as paragraphs) contained in the Department of Justice (DOJ) settlement agreement. The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the DOJ Project monitors (Monitors).

The Summary of Monitoring Results (Attachment 1) is a summary of the status of the paragraphs not in formal monitoring. We have also provided the applicable County departments (e.g., Probation, Mental Health, etc.) the specific findings of our assessment of the paragraphs reviewed for the month of March 2008, for corrective action.

Background

In December 2004, the A-C assumed oversight responsibility of the Quality Assurance Unit (QA Unit) as directed by your Board. The QA Unit was established to conduct ongoing monitoring of the County's progress implementing the paragraphs contained in the DOJ settlement agreement. Los Angeles County Department of Education (LACOE) has been designated as the lead agency for nine of the 56 paragraphs and monitors their own progress implementing these paragraphs. LACOE reports are submitted to the A-C and Monitors monthly.

Implementation Status Summary

As of March 2008, 29 of the 56 paragraphs are in full compliance. During February 2008, the DOJ initiated formal monitoring for Paragraphs 50 (Materials, Space and Equipment) and 55 (Youth Hygiene). Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented (full compliance) if the County maintains substantial compliance with the paragraphs' provisions during the one year formal monitoring period. The total number of paragraphs in formal monitoring is five (41, 45, 46-1, 50 and 55).

For seven of the remaining 22 paragraphs, LACOE staff monitors the implementation status. For the remaining 15 paragraphs:

- 10 paragraphs showed a 90% or above compliance rate.
- 2 paragraphs showed an 80% to 89% compliance rate.
- 3 paragraphs showed a 70% to 79% compliance rate.
- 0 paragraphs showed a less than 70% compliance rate.

Overall, the compliance rates for 15 paragraphs have not changed significantly since our February 2008 review. Attachment 1 contains a summary of the status of the 15 paragraphs not in formal monitoring.

If you have any questions, please contact me or have your staff call Don Chadwick at (626) 293-1102.

Attachment

WLW:MMO:DC

c: William T Fujioka, Chief Executive Officer
Robert B. Taylor, Chief Probation Officer
Sachi A. Hamai, Executive Officer, Board of Supervisors
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Patricia S. Ploehn, Director, Department of Children and Family Services
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education
Justice Deputies
Children Services Deputies
Education Deputies
Audit Committee
Public Information Office

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT SUMMARY OF MONITORING RESULTS

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT AUDIT RESULTS		DEC 07	JAN 08	FEB 08	MAR 08	SUBSTANTIAL COMPLIANCE (1)
Paragraph 11	Treatment Planning	81%	81%	79%	84%	80%
Paragraph 12	Implementation of the Treatment Plan	73%	72%	74%	78%	85%
Paragraph 13 A	Counseling Services	72%	77%	67%	66%	80% (2)
Paragraph 13 B	Counseling Services	50%	62%	80%	77%	50% (2)
Paragraph 15	Individual Behavior Modification	95%	95%	95%	95%	(3)
Paragraph 16	Substance Abuse	85%	90%	95%	95%	Implementation of Contract Service Providers
Paragraph 25	Management of Suicidal Youth	97%	97%	97%	97%	(3)
Paragraph 26	Care for Self-Harming Youth	95%	95%	95%	95%	90%
Paragraph 27	Staffing	80%	80%	80%	80%	(3)
Paragraph 28	Chemical Restraint	95%	95%	95%	95%	90%
Paragraph 29	Use of Force	95%	95%	95%	95%	95% at all three halls
Paragraph 31	Child Abuse Investigations	90%	95%	95%	95%	DOJ has not set a substantial compliance level
Paragraph 32	Use of Force Review	93%	93%	93%	95%	90%
Paragraph 33	Rehabilitation and Behavior Mgmt	95%	95%	95%	95%	(3)
Paragraph 35	Reduction of Youth on Youth Violence	85%	85%	85%	85%	(3)
Paragraphs 46-2,3,4,5 &49	LACOE	n/a	n/a	n/a	n/a	(4)
Paragraph 56	System	85%	85%	90%	90%	100%

Footnotes:

- (1) Substantial compliance is the level of compliance set by DOJ that the County must achieve for the paragraph to be granted formal monitoring. There must be a commensurate level of compliance at all three halls.
- (2) Paragraph 13-A measures the adequacy of treatment; Paragraph 13-B measures improvement in the client's condition.
- (3) These paragraphs do not have an actual set percentage of substantial compliance. DOJ is monitoring these paragraphs by monitoring and observing the environmental change brought about by the reduction of use of force, reduction of youth on youth violence, appropriate management of suicidal youth and an environment free of fear and intimidation.
- (4) Paragraphs 46-50 are monitored by LACOE and are outside the scope of this report. In August 2007, the Memorandum of Agreement between the County, LACOE and the DOJ was amended to expand Paragraph 46 into five separate paragraphs (46.1, 46.2, 46.3, 46.4, and 46.5) to more easily track the progress by LACOE to implement the paragraph. LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs. LACOE management stated they have been working closely with the Monitors and have reached a mutual understanding of the definition of substantial compliance. The Monitors will provide details of LACOE's progress toward substantial compliance in their upcoming semi-annual report.



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2706
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCaULEY
AUDITOR-CONTROLLER

WENDY L. WATANABE
CHIEF DEPUTY

December 17, 2007

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: J. Tyler McCauley
Auditor-Controller

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT –
OCTOBER 2007 MONITORING RESULTS**

As requested, attached are the results of the Auditor-Controller (A-C) monitoring review of the County's juvenile halls for October 2007. The monitoring reviews are used to measure Los Angeles County's (County) progress in implementing the 52 recommendations (referred to as paragraphs) contained in the Department of Justice (DOJ) settlement agreement. The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the DOJ Project monitors (Monitors).

Background

In December 2004, the A-C assumed oversight responsibility of the Quality Assurance Unit (QA Unit) as directed by your Board. The QA Unit was established to conduct on-going monitoring of the County's progress implementing the paragraphs contained in the DOJ settlement agreement. The QA Unit works and consults with the Monitors regularly. The Monitors are a group of subject matter experts designated by the DOJ, the County and Los Angeles County Department of Education (LACOE) to assess the County and LACOE's progress to implement the paragraphs contained in the settlement agreement.

"To Enrich Lives Through Effective and Caring Service"

Pursuant to the August 22, 2007, First Amendment to the Memorandum of Agreement between the County of Los Angeles, LACOE and the DOJ, Paragraph 46 of the settlement agreement has been amended into five paragraphs to more easily track the progress to implement the paragraph. The amendment increases the number of paragraphs from 52 to 56.

LACOE has been designated as the lead agency for nine of the 56 paragraphs and monitors their own progress implementing these paragraphs. LACOE reports are submitted to the A-C and Monitors monthly. The status of each of LACOE's paragraphs begins on page 13 of Attachment 2 of this report.

Implementation Status Summary

In August 2007, Paragraph 44 (Eyeglasses) was granted full compliance bringing the total number of paragraphs in full compliance to 21 of the 56 paragraphs. On November 19, 2007, the DOJ initiated formal monitoring for Paragraphs 41 (Medical Records Transfer) and 46.1 (Special Education Upon Intake). Paragraph 46.1 is one of the nine paragraphs monitored by LACOE. Since January 2007, the DOJ began formal monitoring on a total of 11 paragraphs (10, 18, 22, 23, 24, 41, 45, 46.1, 52, 53, and 54).

For eight of the remaining 24 paragraphs, LACOE staff monitors the implementation status. For the remaining 16 paragraphs, we noted the following:

- 7 paragraphs showed a 90% or above compliance rate.
- 5 paragraphs showed an 80% to 89% compliance rate.
- 3 paragraphs showed a 70% to 79% compliance rate.
- 1 paragraph showed a less than 70% compliance rate.

Overall, the compliance rates for the 16 paragraphs have not changed significantly since our September 2007 review.

Attachment 1 contains a summary of the status of the 16 paragraphs not in formal monitoring. The details of our October 2007 monitoring review for the 16 paragraphs and the compliance rate for each are addressed in Attachment 2.

If you have any questions, please contact me or have your staff call Don Chadwick at (626) 293-1102.

JTM:MO:DC

Attachments

c: William T Fujioka, Chief Executive Officer
Robert B. Taylor, Chief Probation Officer

Sachi A. Hamai, Executive Officer, Board of Supervisors
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Patricia S. Ploehn, Director, Department of Children and Family Services
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education
Justice Deputies
Children Services Deputies
Education Deputies
Audit Committee

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT SUMMARY OF MONITORING RESULTS

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT AUDIT RESULTS		JUL Y 07	AUG 07	SEPT 07	OCT 07	SUBSTANTIAL COMPLIANCE (1)
Paragraph 11	Treatment Planning	78%	80%	80%	76%	80%
Paragraph 12	Implementation of the Treatment Plan	73%	63%	68%	65%	85%
Paragraph 13 A	Counseling Services	64%	59%	65%	73%	80% (2)
Paragraph 13 B	Counseling Services	57%	61%	67%	54%	50% (2)
Paragraph 15	Individual Behavior Modification	90%	90%	95%	95%	(3)
Paragraph 16	Substance Abuse	70%	70%	70%	70%	Implementation of Contract Service Providers
Paragraph 25	Management of Suicidal Youth	90%	90%	95%	95%	(3)
Paragraph 26	Care for Self-Harming Youth	90%	90%	95%	95%	90%
Paragraph 27	Staffing	80%	80%	80%	80%	(3)
Paragraph 28	Chemical Restraint	85%	87%	90%	90%	90%
Paragraph 29	Use of Force	95%	95%	95%	95%	95% at all three halls
Paragraph 31	Child Abuse Investigations	65%	75%	80%	80%	DOJ has not set a substantial compliance level
Paragraph 32	Use of Force Review	87%	87%	90%	90%	90%
Paragraph 33	Rehabilitation and Behavior Mgmt	90%	90%	95%	95%	(3)
Paragraph 35	Reduction of Youth on Youth Violence	80%	80%	85%	85%	(3)
Paragraph 46-50	LACOE	n/a	n/a	n/a	n/a	(4)
Paragraph 55	Youth Hygiene	75%	75%	80%	80%	75%
Paragraph 56	System	85%	85%	85%	85%	100%

Footnotes:

- (1) Substantial compliance is the level of compliance set by DOJ that the County must achieve for the paragraph to be granted formal monitoring. There must be a commensurate level of compliance at all three halls.
- (2) Paragraph 13-A measures the adequacy of treatment; Paragraph 13-B measures improvement in the client's condition.
- (3) These paragraphs do not have an actual set percentage of substantial compliance. DOJ is monitoring these paragraphs by monitoring and observing the environmental change brought about by the reduction of use of force, reduction of youth on youth violence, appropriate management of suicidal youth and an environment free of fear and intimidation.
- (4) Paragraphs 46-50 are monitored by LACOE and are outside the scope of this report. In August 2007, the Memorandum of Agreement between the County, LACOE and the DOJ was amended to expand Paragraph 46 into five separate paragraphs (46.1, 46.2, 46.3, 46.4, and 46.5) to more easily track the progress by LACOE to implement the paragraph. LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs. LACOE management stated they have been working closely with the Monitors and have reached a mutual understanding of the definition of substantial compliance. The Monitors will provide details of LACOE's progress toward substantial compliance in their upcoming semi-annual report.

**QUALITY ASSURANCE UNIT
MONTHLY MONITORING RESULTS
FOR AUGUST 2007**

Scope of Review

The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the Department of Justice (DOJ). Pursuant to the August 22, 2007, First Amendment to Memorandum of Agreement between the County of Los Angeles, LACOE and the DOJ, Paragraph 46 has been amended into five paragraphs to more easily track the progress to implement the paragraph. The amendment increases the number of paragraphs from 52 to 56.

In August 2007, Paragraph 44 (Eyeglasses) was granted full compliance bringing the total number of paragraphs in full compliance to 21 of the 56 paragraphs. On November 19, 2007, the DOJ also began formal monitoring for Paragraphs 41 (Medical Records Transfer) and 46.1 (Special Education Upon Intake). Since January 2007, the DOJ began formal monitoring on a total of 11 paragraphs (10, 18, 22, 23, 24, 41, 45, 46.1, 52, 53, and 54).

For eight of the remaining 24 paragraphs, LACOE staff monitor the implementation status. Our monitoring review covered the remaining 16 paragraphs.

The compliance rate that we identified for each paragraph is based on our testwork, discussions with the Monitors and compliance rate for the overlapping paragraphs.

PARAGRAPH 11: Treatment Planning

The County shall develop and implement policies and procedures, and practices for interdisciplinary treatment planning for youth with serious mental health needs, which allow for the ongoing identification, goal setting, and monitoring of youths' target symptoms. As permitted by law, a representative of LACOE shall share information with regard to the youth's academic performance and school-related behaviors, and shall also be responsible for sharing needed information from the treatment planning process with education professionals serving those youth.

Current Compliance Rate: 76%

Comments:

Based on the documentation maintained by Probation staff, it appeared that DMH provided services to the minors. DMH utilizes the Service Recommendation Section of the Assessment to capture the preliminary treatment plan. Based on our review of the case files, the treatment plan is often vague. In addition, the interventions are too general. They focus primarily on the minor's adjustment to the facility. This is related to the average length of stay being relatively short. These findings have been noted in prior monitoring reviews and discussed with DMH management. DMH management met with

their clinicians and contracted agencies' executive directors to reinforce the need for staff to maintain documentation to support treatment plans and services provided.

The Individualized Behavior Modification Planning (IBMP) process is well-established and smoothly functioning. Managers from the appropriate departments are meeting weekly to discuss and implement joint behavior management plans for difficult multi-problem youth, including those on specialized units.

PARAGRAPH 12: Implementation of the Treatment Plan

The County shall develop and implement policies, procedures, and practices for case management, which would allow for the implementation of the treatment plans and ensure that treatment planning follows each youth from facility to facility.

Current Compliance Rate: 65%

Comments:

Since the inception of the QI unit, DMH staff has improved their documentation of the minors' target symptoms. However, there are still inconsistencies in identifying the issues addressed in the service plan. For instance, DMH's treatment plan frequently differentiated from the problems, symptoms and behavior documented during the Assessment. DMH indicated that they are in the process of implementing a uniformed Treatment Plan for all the Halls. In August 2007, DMH submitted a draft of the Treatment Plan policy to DMH's Standard and Quality Assurance Division for approval.

In March 2007, DMH implemented a more precise criterion for situations when the youth decline to have their families contacted or when the parents' telephones are disconnected. Since implementing the new procedures, DMH staff have demonstrated an improved effort to document their attempts to contact parents and guardians of the minors. The QI staff has also amended DMH treatment forms to accurately document service levels provided to minors.

PARAGRAPH 13: Counseling Services

The County shall develop and implement policies, procedures and practices to ensure the availability of sufficient and adequate counseling services that meet the goal of ameliorating target symptoms of identified mental illness.

Current Compliance Rate: A. Screen 1 - 73%, B. Screen 2 - 54%

Comments:

The Brief Symptom Inventory (BSI) is a standardized instrument that reflects subjective distress. The initial BSI is administered to a minor upon admission. A second BSI is administered three weeks after the minor's admission to determine if there has been any improvement in their symptoms.

During February 2007, the DOJ set the compliance level for Paragraph 13 A (Screen 1) at 80%. In March 2007, DOJ agreed to set the compliance level for Paragraph 13 B (Screen 2) to 50%.

Screen 1 measures the adequacy of DMH staff's treatment contacts to the minor. Screen 2 measures improvements in the minors' symptoms when the results of the second BSI are compared to the first BSI.

During our October 2007 monitoring visit, we reviewed the documentation contained in 30 case files and noted the following compliance levels for Screen 1:

- 7 cases were rated at 100%
- 7 cases were between 80% and 90%
- 11 cases were rated between 60% and 70%
- 5 cases were rated at less than 60%

The case ratings were based on the level of documentation to identify the services provided to the minors. Case files rated at less than 100% did not maintain sufficient documentation of the services that DMH staff provided or their contacts with the minors.

During our October 2007 review of Screen 2, we reviewed 24 cases where a second BSI was administered. Thirteen (54%) of the 24 cases reviewed showed improvement when the second BSI was compared to the first BSI. This reflects that all three juvenile halls have achieved the compliance level established for Screen 2, which is 50%.

PARAGRAPH 15: Individualized Behavior Modification

The County shall develop and implement individualized behavior modification programs for individual youth where appropriate. If warranted, LACOE will develop and implement Behavior Support Plans which will be incorporated into youths' Individual Learning Plans. If a special education pupil requires a Behavior Support Plan or Behavior Intervention Plan, the IEP team shall include this need in the IEP.

Current Compliance Rate: 95%

Comments:

The Monitor and DMH have not developed a specific audit tool for this paragraph. The Monitor and DMH believe that the Individualized Behavior Modification Planning (IBMP) process outlined in Paragraph 33 addresses the minors' needs related to this paragraph. The Monitor stated that the type of intervention addressed in this paragraph is rare.

DMH management stated that this paragraph does not lend itself to regular sampling and auditing. Probation and DMH established a process for youth whose needs can not be met through the IBMP process. The IBMP committee will refer the youth for consideration by the Enhanced Supervision Unit (ESU) and for the Collaboration, Assessment, Rehabilitation and Evaluation (CARE) Units as appropriate. If none of these options meet the youth's needs, an individual behavior modification program will be developed by Probation and DMH specifically for the youth. In addition, the ESU provides an alternative treatment environment to meet the minors' needs.

IBMP and Interagency meetings are held weekly. In October 2007, we attended an IBMP meeting at Los Padros Juvenile Hall to determine whether protocols and processes utilized at each facility are consistently applied. Based on our observations at the IBMP meetings, staff at all three facilities are conducting the meetings in a consistent manner. Committee members from LACOE, DMH, JCHS and Probation were present and participated in the discussions of the minors scheduled for review. Minutes to the meeting were taken and no problems were noted. We will continue to attend at least one meeting a month at one of the three juvenile halls.

PARAGRAPH 16: Substance Abuse

The County shall develop and implement policies, procedures, and practices to address substance use disorders appropriately.

Current Compliance Rate: 70%

Comments:

The compliance rate is based on our assessment of the initial screening process, the drug education program, and the follow up process. Generally, the screening process is sufficient. On a voluntary basis, California Drug Consultants, Alcoholics Anonymous, Vocation Outreach Chaplains and Narcotics Anonymous are providing treatment and counseling to the minors at the three juvenile halls. Central Juvenile Hall has one dedicated substance abuse counselor, who provides services to minors in the Enhanced Supervision Units, the CARE Units and the Special Handling Units. In addition, Probation's Life Enhancement and Assessment of Personal Skills (LEAPS) program has a Monitor-approved short-term substance abuse component that has been placed in use at all three juvenile halls.

DMH has amended the contracts of existing DMH contractors to add additional staff to provide the needed substance abuse services at the three juvenile halls pending the

solicitation process completion and formal contracts are signed. According to Probation management, the existing DMH contractors have hired additional staff and will begin providing substance abuse treatment services at the three juvenile halls in December, 2007. Probation stated that this paragraph is anticipated to be placed in formal monitoring in February 2008 during the next Monitor's visit.

In addition, Probation management indicated that they are preparing a "Request For Proposal" (RFP) for a contract with service providers to provide substance abuse services at the juvenile halls. Probation and DMH have established a statement of work to define the services that are needed at the juvenile halls. Probation management indicated that they will begin the formal solicitation process in February 2008 and select a contractor and initiate a contract by August 2008.

PARAGRAPH 25: Management of Suicidal Youth

The County and LACOE shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs (County) and, if needed, creation for a youth of a Behavior Support Plan or a Behavior Intervention Plan (LACOE), and decisions about appropriate clothing, bedding, and housing (County).

Current Compliance Rate: 95%

Comments:

Probation staff provide adequate supervision of youth placed on Level III supervision. The Individual Behavior Management Plan (IBMP) committees reviewed and classified all the self-harm incidents that occurred during the period of our review. Probation issued a policy requiring building supervisors to promptly review and evaluate attempted suicides that occurred in their units. The policy also requires a tracking system that assigns a unique identifier to each incident to ensure that the incidents are properly reported and filed in a centralized location.

The total number of self-harming incidents that occurred at the three juvenile halls during September 2007 was 50. The number represents a 15% decrease compared to the 59 incidents that occurred in August 2007, and a 30% decrease compared to the 71 incidents that occurred in September 2006.

On May 22, 2007, Probation management issued a new directive (Directive Number 1132) delineating guidelines for enhanced supervision requirements for detained minors. The directive establishes an additional level of supervision for minors, Level 4. If a minor is placed on Level 4 supervision, the minor's self-injurious behavior is serious enough to warrant transporting the minor to a psychiatric emergency care facility for psychiatric assessment. The directive also establishes that a Probation staff member may supervise up to three Level III minors during waking hours (6:00 am to 10:00 pm) or four Level III

minors during sleeping hours (10:00 pm to 6:00 am) in a dayroom setting. A dayroom is a community access area unlike individual rooms or offices.

Each minor placed on Level III supervision must have an Enhanced Supervision Observation (ESO) form initiated for each shift and maintained during their assignment to Level III supervision status. Probation staff shall make entries on the form at four-hour intervals documenting the staff's observations of the minor's behavior.

During our October 2007 review, we reviewed the files of 27 minors on Level III supervision at the three juvenile halls. Of the 601 Enhanced Supervision Observation Forms (Forms) required, 571 (95%) Forms were in the files. The following is the breakdown of the compliance by juvenile hall:

- 306 (100%) of 306 sampled at Central Juvenile Hall.
- 155 (84%) of 185 sampled at Barry J. Nidorf Juvenile Hall.
- 110 (100%) of 110 sampled at Los Padrinos Juvenile Hall.

PARAGRAPH 26: Care for Self – Harming Youth

The County shall develop a continuum of services and responses to meet the needs of self-harming youth, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.

Current Compliance Rate: 95%

Comments:

Each juvenile hall must maintain a Mental Health Psychiatric Hospital log indicating minors requiring a transfer to a higher level of care and a Transportation log documenting minors transferred to a higher level of care. During the period of our review, the Mental Health Psychiatric Hospital log and the Transportation log at each juvenile hall were current and accurate.

When DMH refers a minor to a mental health facility, this paragraph requires the minor to be transported to the facility within two hours. Thirteen minors were referred to a mental health facility during the monitoring period. Eight (62%) minors were transported to the facility within the mandatory two hour time frame. Five remaining minors were transported three hours after the mandatory time frame.

PARAGRAPH 27: Staffing

The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.

Current Compliance Rate: 80%

Comments:

Probation management indicated that they follow the State's standard for staffing that requires one staff per ten minors for minors not under Level III supervision. In May 2007, Probation issued a new directive dealing with supervision of minors on Level III supervision status. Per Probation's new policy, a Probation staff member may supervise up to three Level III minors during waking hours (6:00 am to 10:00 pm) or four Level III minors during sleeping hours (10:00 pm to 6:00 am) in a dayroom setting. A dayroom is a community access area unlike individual rooms or offices.

Probation does not use a standardized process to track the staffing levels at the three juvenile halls. The documentation used to identify staffing levels and the staff positions included in the staffing ratio calculation differs between the juvenile halls. For example, Central and Barry J. Nidorf Juvenile Halls include staff assigned to court and school posts in their count of staff directly supervising minors detained in the hall, while Los Padornos does not include these positions in their staff count. Probation management indicated that they are in the process of standardizing the way to that managers at the three juvenile halls count the number of staff on duty in the various living units to accurately report staffing levels to the DOJ.

During October 2007, we conducted site visits to review the staffing levels within 35 living quarters. The staffing levels within the 35 living quarters (non-Level III supervision) ranged from one minor to one Probation staff to 18 minors to one Probation staff. The overall average equaled 12 minors to one Probation staff. In addition, the staffing levels for minors under Level III supervision at the 3 juvenile halls were one minor to one staff.

We also compared the number of Probation managers and staff assigned to the three juvenile halls since January 2006. Overall, the juvenile halls have not sustained a significant increase in staffing levels. The following table depicts the staffing levels at the juvenile halls from January through October 2007 compared to January 2006. The positions include Supervising Detention Services Officer (SDSO), Senior Detention Services Officer (Sr. DSO), Detention Services Officer (DSO) and Night Shift Staff (GSN).

CENTRAL JUVENILE HALL											
	Jan-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07
SDSO	20	17	17	17	16	14	21	23	23	23	23
SR DSO	44	64	62	62	62	63	54	56	57	58	58
DSO	272	327	302	297	292	261	282	290	283	302	292
GSN	73	80	107	111	71	106	81	82	83	84	84
Total	409	488	488	487	441	444	438	451	446	467	457

LOS PADRINOS JUVENILE HALL											
	Jan-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07
SDSO	21	19	19	19	19	19	20	20	20	20	20
SR DSO	47	50	50	50	48	48	49	52	54	54	54
DSO	232	251	241	248	228	221	230	256	257	275	274
GSN	73	72	77	80	62	101	77	75	80	83	83
Total	373	392	387	397	357	389	376	403	411	432	431

BARRY J. NIDORF JUVENILE HALL											
	Jan-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07
SDSO	23	23	23	23	21	17	21	21	19	21	21
SR DSO	60	51	51	51	49	51	51	51	57	54	55
DSO	229	261	255	132	282	265	261	261	259	262	262
GSN	77	65	71	73	64	74	75	75	86	91	91
Total	389	400	400	279	416	407	408	408	421	428	429

PARAGRAPH 28: Chemical Restraint

The county shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent whenever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

Current Compliance Rate: 90%

Comments:

Oleoresin capsicum, "pepper spray," is a pepper based non-lethal chemical restraint. Minors who are sprayed with OC spray are to be decontaminated by flushing the sprayed area with cold water. Probation developed policies governing the use of OC spray that conform to the above requirements.

During the month of September 2007, 15 separate incidents involving 34 minors were reported in which staff used OC spray on minors. Eight incidents involving 15 minors occurred at Central Juvenile Hall, one incident involving one minor occurred at Los Padrinos Juvenile Hall, and six incidents involving 18 minors occurred at Barry J. Nidorf Juvenile Hall. According to the investigation reports, the use of OC spray in 12 of the 15 incidents was appropriate. The remaining three incidents, involving three minors, were referred for investigation.

All of the 34 minors were decontaminated within 30 minutes of being sprayed with OC. Thirty-one of the 34 received the appropriate medical attention within 30 minutes of being sprayed with OC. The remaining three minors received medical attention two hours beyond the required time frame.

PARAGRAPH 29: Use of Force

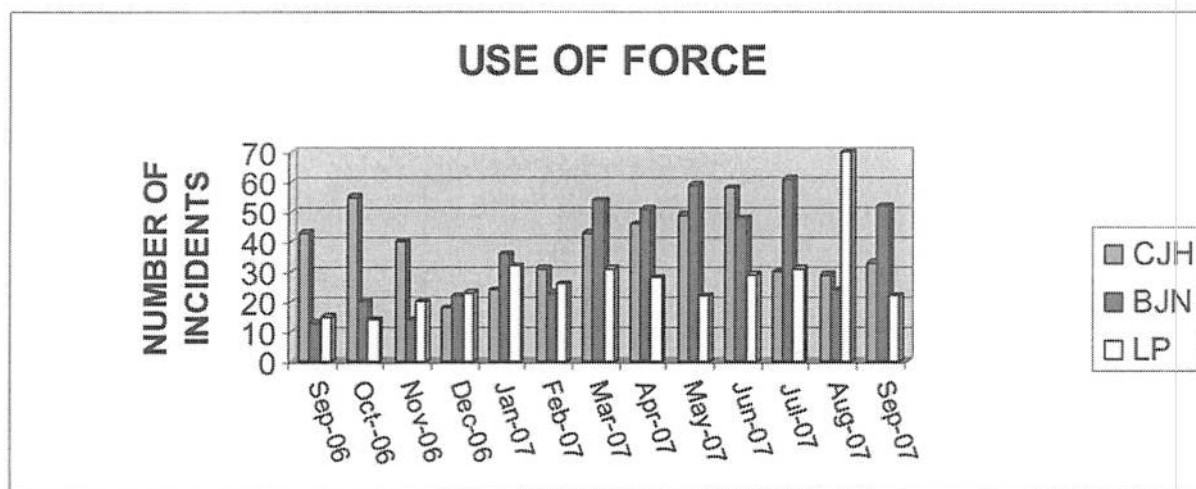
The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

Current Compliance Rate: 95%

Comments:

The Probation Department trained its employees in "Safe Crisis Management," which emphasizes programming and de-escalation techniques. The training also included the proper use of physical and chemical restraints. Based on the number of reported incidents, it appears that overall the use of force has not significantly changed from last year. In addition, over the previous seven months the number of use of force incidents has gradually increased, as depicted in the chart below.

In the past, the Monitor had stated that although Probation implemented a use of force policy and training to comply with this paragraph, the Monitor will not grant formal monitoring until the related Paragraphs 28 and 32 are also ready for formal monitoring. In January 2007, the Monitor indicated to the County's Project Manager that DOJ will consider formal monitoring for each paragraph on each paragraph's merit.



PARAGRAPH 31: Child Abuse Investigation

The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse.

Current Compliance Rate: 80%

Comments:

Probation's Child Abuse Investigation Unit (SIU) consists of five full time investigators. Per the Los Angeles County DOJ action plan, Probation needs to complete 90% of their investigations of alleged child abuse within 30 days of the date the case was opened, and complete 95% of the child abuse investigations within 60 days of the date the case was opened.

As of October 16, 2007 the Unit had a total of 44 open cases. Twenty-three cases were opened during the months of August and September 2007. Fourteen (61%) of the 23 cases opened in August and September 2007 remained opened. Twenty-one of the 44 cases have been opened for over 90 days. SIU management indicated that most of the overdue cases are abused allegations made by one minor, referrals from DCFS in which the incident(s) occurred in 2006, and cases placed on hold due to a pending D.A. investigation and/or verdict.

Probation staff members are required to maintain an activity log (Log) that lists when a Suspected Child Abuse Report (SCAR) was initiated and when the staff contacted law enforcement regarding the disposition of a criminal investigation. The Unit has amended the Log to include whether a SCAR has been generated, an investigation number linked to the SCAR, date of occurrence and the date the Unit was notified. The Probation director in charge of the Unit has also agreed to require the investigators to sign in at the juvenile halls when they respond to an incident and to identify the case to which they are responding. The director of the Unit has implemented an on call "roll out" schedule giving the Unit around the clock response capability. In addition, the independent counsel, who will review all completed investigations, began receiving cases for review in August 2007.

The Monitor indicated that he will grant formal monitoring to this paragraph after Probation develops a data base to track child abuse cases and specific procedures addressing the Unit's response to reported alleged child abuse. The procedures also include the role of the independent counsel.

The Unit has developed an Excel data base to track child abuse cases in the halls and camps. The data base includes: the date the incident occurred, the date the Unit was notified of the incident, the date the Unit investigators responded to the scene of the incident, when and if a law enforcement agency was notified, the status and disposition of the investigation.

In September 2007, Probation management issued a draft Child Abuse Special Investigations Unit Administrative Policy, which is being reviewed by the Monitor. The Monitor is also providing technical assistance relating to policy development.

PARAGRAPH 32: Use of Force Review

The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

Current Compliance Rate: 90%

Comments:

During the monitoring period, a total of 107 use of force incidents were reported in the three juvenile halls: 52 at Barry J. Nidorf Juvenile Hall, 22 at Los Padrinos Juvenile Hall and 33 at Central Juvenile Hall. Of the 107 packets reviewed, 158 minors were involved in the use of force, 151 (96%) minors received medical treatment within 30 minutes of the use of force. Of the remaining seven minors, three at Central Juvenile Hall received medical treatment from five minutes to two hours beyond the required time frame, and four minors at Barry J. Nidorf Juvenile Hall received medical treatment within two hours beyond the required time frame.

Generally, Probation supervisory staff submitted a use of force incident report to management within 48 hours of the incident as required. For the 107 incident packets in use of force reviewed, 103 (96%) of the packets were completed within the 48 hour reporting timeline established by Probation. Of the remaining four reviews, two at Central Juvenile Hall were completed six days after the 48 hour timeline, one at Barry J. Nidorf Juvenile Hall were completed two days after the 48 hour timeline, and one at Los Padrinos was completed four days after the 48 hour timeline.

The Monitor indicated that Probation must have an administrative use of force policy in place before he grants formal monitoring to this paragraph. The policy must include procedures for use of force reviews, identification of minors on psychotropic medication, timeliness of medical treatment and submission of use of force investigations.

The Monitor also indicated that Probation must have an early intervention system in place. The early intervention system must include a policy, staff training and system implementation. Probation management issued a revised administrative use of force policy on August 28, 2007, which was approved by the Monitor. Probation management stated that they plan to issue the policy on Early Intervention during the month of December, 2007. Probation management reassessed their progress on this paragraph and revised the anticipated formal monitoring date from November 2007 to April 2008.

PARAGRAPH 33: Rehabilitation and Behavioral Management

The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Current Compliance Rate: 95%

Comments:

Individual Behavior Management Plan (IBMP) and Interagency meetings are held weekly. On October 2, 2007, we attended an IBMP meeting at Los Padinos Juvenile Hall to determine whether protocols and processes utilized at each facility are consistently applied. Based on our observations at the IBMP meetings, staff at all three facilities are conducting the meetings in a consistent manner. Committee members from LACOE, DMH, JCHS and Probation were present and participated in the discussions of 14 minors scheduled for review. Minutes to the meeting were taken and no problems were noted. We will continue to attend at least one meeting a month at one of the three juvenile halls.

On January 22, 2007, the Life Enhancement and Assessment of Personal Skills (LEAPS) program was implemented at all three juvenile halls. During our October review, we reviewed the documentation for 66 LEAPS sessions at each of the three juvenile halls; all documentation was in order. We also interviewed 46 minors involved in LEAPS. Generally the minors stated that LEAPS was useful and assisted them in learning life skills. The children's incentive stores are in place at all three halls and the points system is fully implemented. All staff assigned to the juvenile halls have been trained in LEAPS.

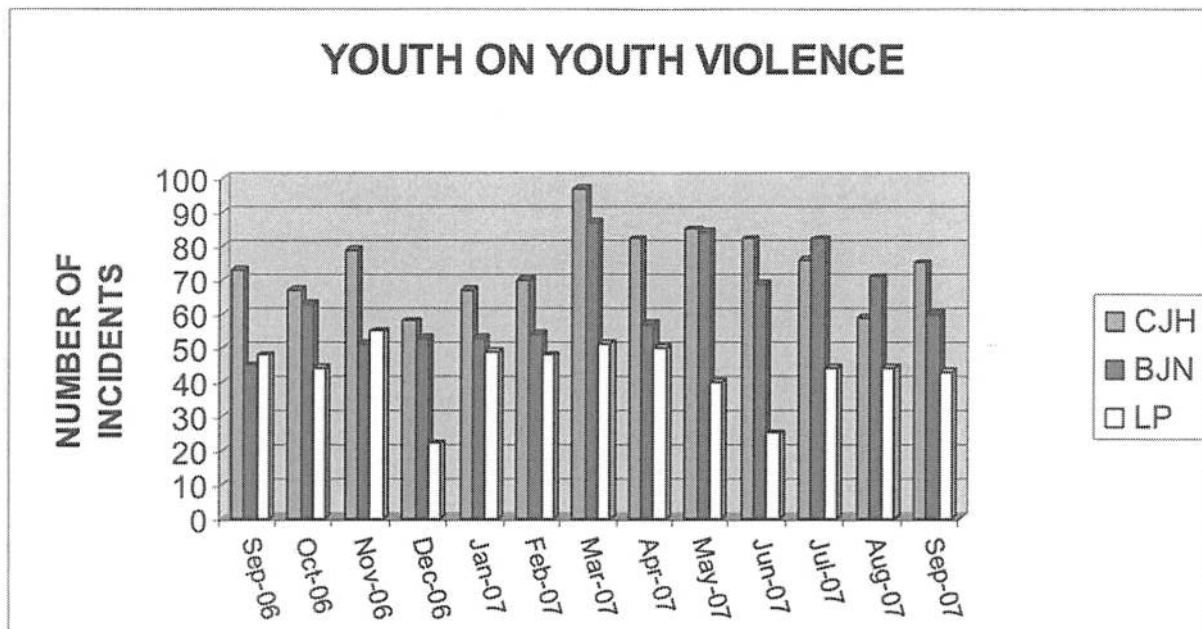
PARAGRAPH 35: Reduce Youth and Youth Violence

The County and LACOE shall develop and implement strategies for reducing youth on youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

Current Compliance Rate: 85%

Comments:

Probation staff assigned to the juvenile halls received training in efforts to reduce youth on youth violence (YOYV). The number of incidents of YOYV in the three juvenile halls during September has increased by 4 incidents (2%) from the previous month. The number of incidents that occurred in September 2007 represented a 7% increase compared to the 166 incidents reported in September 2006. Over the last six months, the number of incidents of YOYV has slightly declined.



PARAGRAPHS 46 to 50

Paragraphs 46 through 50 are audited by LACOE's internal auditors under the supervision of LACOE management. On September 17, 2007, LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated below.

LACOE management stated they have been working closely with the Monitors and have reached a mutual understanding of the definition of substantial compliance. LACOE modified their audit tools to capture the information needed to document LACOE's progress toward substantial compliance.

PARAGRAPH 46: Special Education

The County and LACOE shall at all times, provide all youth confined at the Juvenile Halls with adequate special education in compliance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., regulations promulgated thereunder, and this Agreement.

LACOE is proceeding with this paragraph divided into five paragraphs as follows:

- 46.1 Special Education Upon Intake.
- 46.2 Staffing.
- 46.3 Screening for Special Education Needs.
- 46.4 Individual Education Programs.

- 46.5 Training and Quality Assurance.

The DOJ began formal monitoring for Paragraph 46.1 as of August 23, 2007.

Targeted Date to Request Formal Monitoring for 46.2-5: December 2007

PARAGRAPH 47: Related Services

LACOE shall provide related services to special education students with needs for these services.

Targeted Date to Request Formal Monitoring: December 2007

PARAGRAPH 48: Parent Participation

The County and LACOE shall utilize a range of methods to facilitate parent participation in Individualized Educational Program (IEP) meetings.

Targeted Date to Request Formal Monitoring: December 2007

PARAGRAPH 49: Transition Planning and Services

The County and LACOE shall provide adequate transition planning and services for all eligible youth with disabilities.

Targeted Date to Request Formal Monitoring: December 2007

PARAGRAPH 50: Materials, Space and Equipment

The County and LACOE shall ensure that all classes, including those held inside residential units, have appropriate materials, space and equipment.

In August 2007, the LACOE Project Manager requested formal monitoring for this paragraph retroactive to July 2007. The Monitor indicated that LACOE is in substantial compliance with most of the requirements of this paragraph. LACOE's Project Manager anticipates formal monitoring for this paragraph in January 2008.

Targeted Date to Request Formal Monitoring: January 2008

PARAGRAPH 55: Youth Hygiene

The County and LACOE shall ensure that youth have adequate hygiene opportunities, including sanitary personal hygiene products. The County shall ensure that youth have adequate linens, bedding and clothing.

Current Compliance Rate: 80%

Comments:

Paragraph 55 is audited by Probation's Management Services Bureau (MSB) auditors. We review MSB's audits on a monthly basis. The percentage of compliance is based on the MSB auditors' reports and our discussions with the Monitor.

We conducted walk-through inspections of the living quarters, supply rooms and laundry at all three juvenile halls. We interviewed Probation staff and inspected MSB's documentation related to inventories for clothing, hygiene items and cleaning supplies. Probation posted the established inventory levels in the supply rooms. The living quarters reviewed were in good condition and the laundries were clean. MSB's documentation at all three juvenile halls were in order. We compared the inventory levels to the established levels for inventory items in the stockrooms at the three juvenile halls. Generally the inventory levels met the established levels.

Paragraph 56: System

The County and LACOE shall revise and/or institute quality assurance systems to ensure implementation of the provisions addressed in this Agreement.

Current Compliance Rate: 85%

Comments:

The County has established a quality assurance program for the three juvenile halls. Data is being gathered in a variety of areas. The Auditor-Controller's Quality Assurance Unit is completing periodic compliance audits at the juvenile halls and issuing monthly status reports to the Board of Supervisors.



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2706
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER MCCAULEY
AUDITOR-CONTROLLER

WENDY L. WATANABE
CHIEF DEPUTY

January 16, 2008

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: J. Tyler McCauley
Auditor-Controller

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT –
NOVEMBER 2007 MONITORING RESULTS**

As requested, attached are the results of the Auditor-Controller (A-C) monitoring review of the County's juvenile halls for November 2007. The monitoring reviews are used to measure Los Angeles County's (County) progress in implementing the 56 recommendations (referred to as paragraphs) contained in the Department of Justice (DOJ) settlement agreement. The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the DOJ Project monitors (Monitors).

Background

In December 2004, the A-C assumed oversight responsibility of the Quality Assurance Unit (QA Unit) as directed by your Board. The QA Unit was established to conduct on-going monitoring of the County's progress implementing the paragraphs contained in the DOJ settlement agreement. The QA Unit works and consults with the Monitors regularly. The Monitors are a group of subject matter experts designated by the DOJ, the County and Los Angeles County Office of Education (LACOE) to assess the County and LACOE's progress to implement the paragraphs contained in the settlement agreement.

LACOE has been designated as the lead agency for nine of the 56 paragraphs and monitors their own progress implementing these paragraphs. LACOE reports are submitted to the A-C and Monitors monthly. The status of each of LACOE's paragraphs begins on page 12 of Attachment 2 of this report.

"To Enrich Lives Through Effective and Caring Service"

Implementation Status Summary

As of December 2007, 21 of the 56 paragraphs are in full compliance. On November 19, 2007, the DOJ initiated formal monitoring for Paragraphs 41 (Medical Records Transfer) and 46.1 (Special Education Upon Intake). Since January 2007, the DOJ began formal monitoring on a total of 11 paragraphs (10, 18, 22, 23, 24, 41, 45, 46.1, 52, 53, and 54).

For eight of the remaining 24 paragraphs, LACOE staff monitors the implementation status. For the remaining 16 paragraphs:

- 7 paragraphs showed a 90% or above compliance rate.
- 6 paragraphs showed an 80% to 89% compliance rate.
- 2 paragraphs showed a 70% to 79% compliance rate.
- 1 paragraph showed a less than 70% compliance rate.

Overall, the compliance rates for the 16 paragraphs have not changed significantly since our October 2007 review.

Attachment 1 contains a summary of the status of the 16 paragraphs not in formal monitoring. The details of our November 2007 monitoring review for the 16 paragraphs and the compliance rate for each are addressed in Attachment 2. Beginning next month, unless otherwise directed, our monthly status reports to the Board will only include Attachment 1. We will continue to share our assessment and specific findings of the outstanding paragraphs with the affected departments.

If you have any questions, please contact me or have your staff call Don Chadwick at (626) 293-1102.

Attachments

JTM:MO:DC

c: William T Fujioka, Chief Executive Officer
Robert B. Taylor, Chief Probation Officer
Sachi A. Hamai, Executive Officer, Board of Supervisors
Dr. Bruce Chernof, Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Patricia S. Ploehn, Director, Department of Children and Family Services
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education
Justice Deputies
Children Services Deputies
Education Deputies
Audit Committee

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT SUMMARY OF MONITORING RESULTS

AUDITOR-CONTROLLER QUALITY ASSURANCE UNIT AUDIT RESULTS		AUG 07	SEPT 07	OCT 07	NOV 07	SUBSTANTIAL COMPLIANCE (1)
Paragraph 11	Treatment Planning	80%	80%	76%	78%	80%
Paragraph 12	Implementation of the Treatment Plan	63%	68%	65%	67%	85%
Paragraph 13 A	Counseling Services	59%	65%	73%	65%	80% (2)
Paragraph 13 B	Counseling Services	61%	67%	54%	73%	50% (2)
Paragraph 15	Individual Behavior Modification	90%	95%	95%	95%	(3)
Paragraph 16	Substance Abuse	70%	70%	70%	80%	Implementation of Contract Service Providers
Paragraph 25	Management of Suicidal Youth	90%	95%	95%	97%	(3)
Paragraph 26	Care for Self-Harming Youth	90%	95%	95%	95%	90%
Paragraph 27	Staffing	80%	80%	80%	80%	(3)
Paragraph 28	Chemical Restraint	87%	90%	90%	95%	90%
Paragraph 29	Use of Force	95%	95%	95%	95%	95% at all three halls
Paragraph 31	Child Abuse Investigations	75%	80%	80%	85%	DOJ has not set a substantial compliance level
Paragraph 32	Use of Force Review	87%	90%	90%	93%	90%
Paragraph 33	Rehabilitation and Behavior Mgmt	90%	95%	95%	95%	(3)
Paragraph 35	Reduction of Youth on Youth Violence	80%	85%	85%	85%	(3)
Paragraph 46-50	LACOE	n/a	n/a	n/a	n/a	(4)
Paragraph 55	Youth Hygiene	75%	80%	80%	80%	75%
Paragraph 56	System	85%	85%	85%	85%	100%

Footnotes:

- (1) Substantial compliance is the level of compliance set by DOJ that the County must achieve for the paragraph to be granted formal monitoring. There must be a commensurate level of compliance at all three halls.
- (2) Paragraph 13-A measures the adequacy of treatment; Paragraph 13-B measures improvement in the client's condition.
- (3) These paragraphs do not have an actual set percentage of substantial compliance. DOJ is monitoring these paragraphs by monitoring and observing the environmental change brought about by the reduction of use of force, reduction of youth on youth violence, appropriate management of suicidal youth and an environment free of fear and intimidation.
- (4) Paragraphs 46-50 are monitored by LACOE and are outside the scope of this report. In August 2007, the Memorandum of Agreement between the County, LACOE and the DOJ was amended to expand Paragraph 46 into five separate paragraphs (46.1, 46.2, 46.3, 46.4, and 46.5) to more easily track the progress by LACOE to implement the paragraph. LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs. LACOE management stated they have been working closely with the Monitors and have reached a mutual understanding of the definition of substantial compliance. The Monitors will provide details of LACOE's progress toward substantial compliance in their upcoming semi-annual report.

**QUALITY ASSURANCE UNIT
MONTHLY MONITORING RESULTS
FOR NOVEMBER 2007**

Scope of Review

The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the Department of Justice (DOJ). Pursuant to the August 22, 2007, First Amendment to Memorandum of Agreement between the County of Los Angeles, LACOE and the DOJ, Paragraph 46 has been amended into five paragraphs to more easily track the progress to implement the paragraph. The amendment increases the number of paragraphs from 52 to 56.

In August 2007, Paragraph 44 (Eyeglasses) was granted full compliance bringing the total number of paragraphs in full compliance to 21 of the 56 paragraphs. On November 19, 2007, the DOJ also began formal monitoring for Paragraphs 41 (Medical Records Transfer) and 46.1 (Special Education Upon Intake). Since January 2007, the DOJ began formal monitoring on a total of 11 paragraphs (10, 18, 22, 23, 24, 41, 45, 46.1, 52, 53, and 54).

For eight of the remaining 24 paragraphs, LACOE staff monitor the implementation status. Our monitoring review covered the remaining 16 paragraphs. The compliance rate that we established for each paragraph is based on our testwork, discussions with the Monitors and the compliance rates for the overlapping paragraphs.

PARAGRAPH 11: Treatment Planning

The County shall develop and implement policies and procedures, and practices for interdisciplinary treatment planning for youth with serious mental health needs, which allow for the ongoing identification, goal setting, and monitoring of youths' target symptoms. As permitted by law, a representative of LACOE shall share information with regard to the youth's academic performance and school-related behaviors, and shall also be responsible for sharing needed information from the treatment planning process with education professionals serving those youth.

Current Compliance Rate: 78%

Comments:

Based on the documentation maintained by Probation staff, it appeared that the Department of Mental Health (DMH) provided services to the minors. DMH utilizes the Service Recommendation Section of the Assessment to capture the preliminary treatment plan. Based on our review of the case files, the treatment plan is often vague. In addition, the interventions are too general. They focus primarily on the minor's adjustment to the facility. These findings have been noted in prior monitoring reviews and discussed with DMH management. DMH management met with their clinicians and contracted agencies' executive directors to reinforce the need for staff to maintain documentation to support treatment plans and services provided.

The Individualized Behavior Modification Planning (IBMP) process is well-established and smoothly functioning. Managers from the appropriate departments are meeting weekly to discuss and implement joint behavior management plans for difficult multi-problem youth, including those on specialized units.

During the monitoring period, DMH Quality Integrity (QI) staff attended our exit meetings with DMH management and participated in the discussions of audit findings. The QI staff continues to work with our audit team to facilitate DMH staffs' efforts to move this paragraph into compliance.

PARAGRAPH 12: Implementation of the Treatment Plan

The County shall develop and implement policies, procedures, and practices for case management, which would allow for the implementation of the treatment plans and ensure that treatment planning follows each youth from facility to facility.

Current Compliance Rate: 67%

Comments:

Since the inception of the QI unit, DMH staff has improved their documentation of the minors' target symptoms. However, there are still inconsistencies in identifying the issues addressed in the service plan. For instance, DMH's treatment plan documented by the treating clinician was inconsistent with the problems, symptoms and behavior documented by the screening clinician during the Initial Assessment. DMH indicated that they are in the process of implementing a uniformed Treatment Plan for all the juvenile halls.

In March 2007, DMH implemented a more precise criterion for situations when the youth decline to have their families contacted or when the parents' telephones are disconnected. Since implementing the new procedures, DMH staff have demonstrated an improved effort to document their attempts to contact parents and guardians of the minors. The QI staff has also amended DMH treatment forms to accurately document service levels provided to minors.

PARAGRAPH 13: Counseling Services

The County shall develop and implement policies, procedures and practices to ensure the availability of sufficient and adequate counseling services that meet the goal of ameliorating target symptoms of identified mental illness.

Current Compliance Rate: A. Screen 1 - 65%, B. Screen 2 - 73%

Comments:

The Brief Symptom Inventory (BSI) is a standardized instrument that reflects subjective distress. The initial BSI is administered to a minor upon admission. A second BSI is

administered three weeks after the minor's admission to determine if there has been any improvement in their symptoms.

During February 2007, the DOJ set the compliance level for Paragraph 13 A (Screen 1) at 80%. In March 2007, DOJ agreed to set the compliance level for Paragraph 13 B (Screen 2) to 50%.

Screen 1 measures the adequacy of DMH staff's treatment contacts to the minor. Screen 2 measures improvements in the minors' symptoms when the results of the second BSI are compared to the first BSI.

During our November 2007 monitoring visit, we reviewed the documentation contained in 30 case files and noted the following compliance levels for Screen 1:

- 5 cases were rated at 100%
- 6 cases were between 80% and 90%
- 8 cases were rated between 60% and 70%
- 11 cases were rated at less than 60%

The case ratings were based on the level of documentation to identify the services provided to the minors. Case files rated at less than 100% did not maintain sufficient documentation of the services that DMH staff provided or their contacts with the minors.

During our November 2007 review of Screen 2, we reviewed 29 cases where a second BSI was administered. Twenty-one (73%) of the 29 cases reviewed showed improvement when the second BSI was compared to the first BSI. This reflects that all three juvenile halls have achieved the compliance level established for Screen 2, which is 50%.

PARAGRAPH 15: Individualized Behavior Modification

The County shall develop and implement individualized behavior modification programs for individual youth where appropriate. If warranted, LACOE will develop and implement Behavior Support Plans which will be incorporated into youths' Individual Learning Plans. If a special education pupil requires a Behavior Support Plan or Behavior Intervention Plan, the IEP team shall include this need in the IEP.

Current Compliance Rate: 95%

Comments:

The Monitor and DMH have not developed a specific audit tool for this paragraph. The Monitor and DMH believe that the Individualized Behavior Modification Planning (IBMP) process outlined in Paragraph 33 addresses the minors' needs related to this paragraph. The Monitor stated that the type of intervention addressed in this paragraph is rare.

DMH management stated that this paragraph does not lend itself to regular sampling and auditing. Probation and DMH established a process for youth whose needs can not be

met through the IBMP process. The IBMP committee will refer the youth for consideration by the Enhanced Supervision Unit (ESU) and for the Collaboration, Assessment, Rehabilitation and Evaluation (CARE) Units as appropriate. If none of these options meet the youth's needs, an individual behavior modification program will be developed by Probation and DMH specifically for the youth. In addition, the ESU provides an alternative treatment environment to meet the minors' needs.

IBMP and Interagency meetings are held weekly. In November 2007, we attended an IBMP meeting at Los Padrinos Juvenile Hall to determine whether protocols and processes utilized at each facility are consistently applied. Based on our observations at the IBMP meetings, staff at all three facilities are conducting the meetings in a consistent manner. Committee members from LACOE, DMH, JCHS and Probation were present and participated in the discussions of the minors scheduled for review. Minutes to the meeting were taken and no problems were noted. We will continue to attend at least one meeting a month at one of the three juvenile halls.

PARAGRAPH 16: Substance Abuse

The County shall develop and implement policies, procedures, and practices to address substance use disorders appropriately.

Current Compliance Rate: 80%

Comments:

The compliance rate is based on our assessment of the initial screening process, the drug education program, and the follow up process. Generally, the screening process is sufficient. On a voluntary basis, California Drug Consultants, Alcoholics Anonymous, Vocation Outreach Chaplains and Narcotics Anonymous are providing treatment and counseling to the minors at the three juvenile halls. Central Juvenile Hall has one dedicated substance abuse counselor, who provides services to minors in the Enhanced Supervision Units, the CARE Units and the Special Handling Units. In addition, Probation's Life Enhancement and Assessment of Personal Skills (LEAPS) program has a Monitor-approved short-term substance abuse component that has been placed in use at all three juvenile halls.

DMH has amended the contracts of existing DMH contractors to add additional staff to provide the needed substance abuse services at the three juvenile halls pending the solicitation process completion and formal contracts are signed. Some DMH contractors have hired new staff and are providing services in the halls. Probation stated that this paragraph is anticipated to be placed in formal monitoring in February 2008 during the next Monitor's visit.

In addition, Probation management indicated that they are preparing a "Request For Proposal" (RFP) for a contract with service providers to provide substance abuse services at the juvenile halls. Probation and DMH have established a statement of work to define the services that are needed at the juvenile halls. Probation management indicates that

they will request bids from contractors in February 2008 and select a contractor and initiate a contract by August 2008.

PARAGRAPH 25: Management of Suicidal Youth

The County and LACOE shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs (County) and, if needed, creation for a youth of a Behavior Support Plan or a Behavior Intervention Plan (LACOE), and decisions about appropriate clothing, bedding, and housing (County).

Current Compliance Rate: 97%

Comments:

Probation staff provide adequate supervision of youth placed on Level III supervision. The Individual Behavior Management Plan (IBMP) committees reviewed and classified all the self-harm incidents that occurred during the period of our review. Probation issued a policy requiring building supervisors to promptly review and evaluate attempted suicides that occurred in their units. The policy also requires a tracking system that assigns a unique identifier to each incident to ensure that the incidents are properly reported and filed in a centralized location.

The total number of self-harming incidents that occurred at the three juvenile halls during October 2007 was 46. The number represents an 8% decrease compared to the 50 incidents that occurred in September 2007, and a 49% decrease compared to the 90 incidents that occurred in October 2006.

Each minor placed on Level III supervision must have an Enhanced Supervision Observation (ESO) form initiated for each shift and maintained during their assignment to Level III supervision status. Probation staff shall make entries on the form at four-hour intervals documenting the staff's observations of the minor's behavior.

During our November 2007 review, we reviewed the files of 26 minors on Level III supervision at the three juvenile halls. Of the 674 Enhanced Supervision Observation Forms (Forms) required, 631 (94%) Forms were in the files. The following is the breakdown of the compliance by juvenile hall:

- 591 (93%) of 634 sampled at Central Juvenile Hall.
- 38 (100%) of 38 sampled at Barry J. Nidorf Juvenile Hall.
- 2 (100%) 2 of sampled at Los Padrinos Juvenile Hall.

PARAGRAPH 26: Care for Self – Harming Youth

The County shall develop a continuum of services and responses to meet the needs of self-harming youth, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.

Current Compliance Rate: 95%

Comments:

Each juvenile hall must maintain a Mental Health Psychiatric Hospital log used to track minors requiring a transfer to a higher level of care and a Transportation log documenting minors transferred to a higher level of care. Overall, each juvenile hall maintained a Mental Health Psychiatric Hospital log and the Transportation log.

When DMH refers a minor to a mental health facility, this paragraph requires the minor to be transported to the facility within two hours. Nine minors were referred to a mental health facility during the monitoring period. The transfers of the nine minors were appropriately recorded in the Transportation Log. However, Probation staff did not record the transportation times for two (22%) of the seven minors. According to Probation staff, not recording the transportation times was an oversight.

For the seven minors with recorded transportation times, all seven were transported to the facility within the mandatory two hour time frame.

PARAGRAPH 27: Staffing

The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.

Current Compliance Rate: 80%

Comments:

Probation management indicated that they follow the State's standard for staffing that requires one staff per ten minors for minors not under Level III supervision.

During November 2007, we conducted site visits to review the staffing levels within 28 living quarters. The staffing levels within the 28 living quarters (non-Level III supervision) ranged from one minor to one Probation staff to 19 minors to one Probation staff. The overall average equaled 12 minors to one Probation staff. In addition, the staffing levels for minors under Level III supervision at the 3 juvenile halls were one minor to one staff.

We also compared the number of Probation managers and staff assigned to the three juvenile halls since January 2006. Overall, the juvenile halls have not sustained a significant increase in staffing levels. The following table depicts the staffing levels at the juvenile halls from January through November 2007 compared to January 2006. The

positions include Supervising Detention Services Officer (SDSO), Senior Detention Services Officer (Sr. DSO), Detention Services Officer (DSO) and Night Shift Staff (GSN).

CENTRAL JUVENILE HALL												
	Jan-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
SDSO	20	17	17	17	16	14	21	23	23	23	23	24
SR DSO	44	64	62	62	62	63	54	56	57	58	58	58
DSO	272	327	302	297	292	261	282	290	283	302	292	283
GSN	73	80	107	111	71	106	81	82	83	84	84	85
Total	409	488	488	487	441	444	438	451	446	467	457	450

LOS PADRINOS JUVENILE HALL												
	Jan-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
SDSO	21	19	19	19	19	19	20	20	20	20	20	20
SR DSO	47	50	50	50	48	48	49	52	54	54	54	54
DSO	232	251	241	248	228	221	230	256	257	275	274	269
GSN	73	72	77	80	62	101	77	75	80	83	83	88
Total	373	392	387	397	357	389	376	403	411	432	431	431

BARRY J. NIDORF JUVENILE HALL												
	Jan-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
SDSO	23	23	23	23	21	17	21	21	19	21	21	21
SR DSO	60	51	51	51	49	51	51	51	57	54	55	54
DSO	229	261	255	132	282	265	261	261	259	262	262	255
GSN	77	65	71	73	64	74	75	75	86	91	91	94
Total	389	400	400	279	416	407	408	408	421	428	429	424

PARAGRAPH 28: Chemical Restraint

The county shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent whenever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

Current Compliance Rate: 95%

Comments:

Oleoresin capsicum, "pepper spray," is a pepper based non-lethal chemical restraint. Minors who are sprayed with OC spray are to be decontaminated by flushing the sprayed area with cold water. Probation developed policies governing the use of OC spray that conform to the above requirements.

During the month of October 2007, 11 separate incidents involving 21 minors were reported in which staff used OC spray on minors. One incident involving one minor occurred at Central Juvenile Hall, two incidents involving three minors occurred at Los Padornos Juvenile Hall, and eight incidents involving 17 minors occurred at Barry J. Nidorf Juvenile Hall. According to the investigation reports, the use of OC spray in 10 of the 11 incidents was appropriate. The remaining one incident, involving one minor on psychotropic medication, was referred for investigation.

All of the minors were decontaminated and received the appropriate medical attention within 30 minutes of being sprayed with OC. Three of the 21 minors sprayed with OC were taking psychotropic medication. According to the investigation reports, the Probation staff involved in the OC sprayings were aware that the minors were taking psychotropic medication.

PARAGRAPH 29: Use of Force

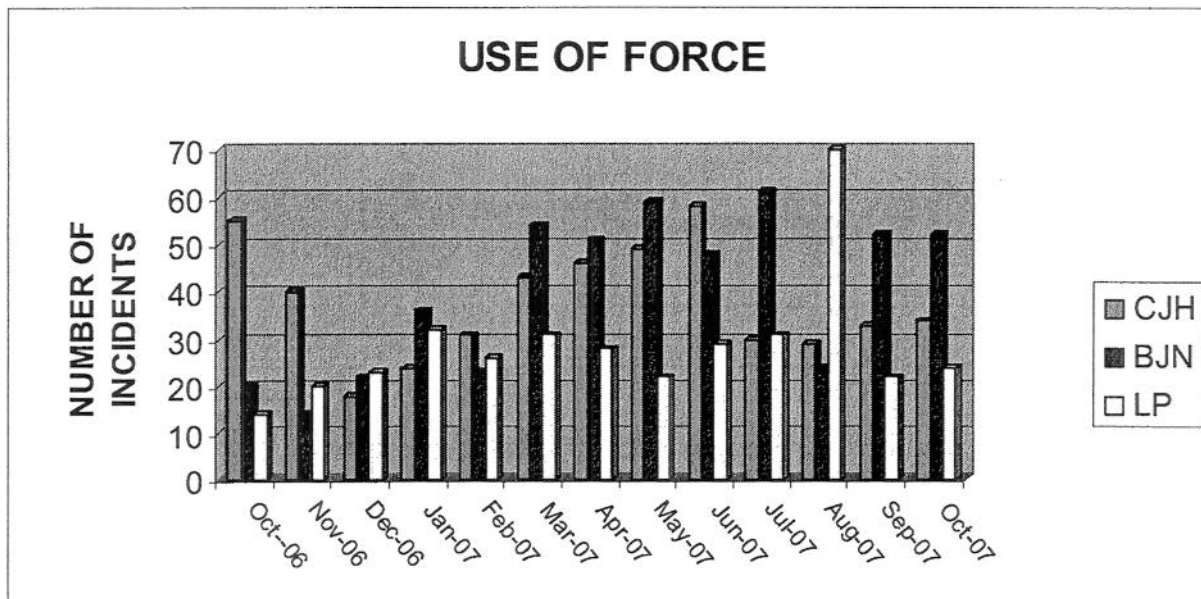
The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

Current Compliance Rate: 95%

Comments:

The Probation Department trained its employees in "Safe Crisis Management," which emphasizes programming and de-escalation techniques. The training also included the proper use of physical and chemical restraints. It appeared that the training initially lowered the number of incidents in the use of force. From January 2006 to October 2006, 1,223 incidents in the use of force were reported. From January 2007 to October 2007,

1,152 incidents in the use of force were reported representing a 6% reduction from the previous year. However, as depicted in the chart below, the number of incidents involving the use of force over the last five months has gradually increased.



PARAGRAPH 31: Child Abuse Investigation

The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse.

Current Compliance Rate: 85%

Comments:

Probation's Child Abuse Investigation Unit (SIU) consists of five full time investigators. Per the Los Angeles County DOJ action plan, Probation needs to complete 90% of their investigations of alleged child abuse within 30 days of the date the case was opened, and complete 95% of the child abuse investigations within 60 days of the date the case was opened.

Twenty-nine cases were opened during the months September and October 2007. The investigations for eight (28%) of the 29 cases were completed within 30 days of being opened. Twenty (95%) of the remaining 21 cases were completed within 60 days of being opened.

Probation staff members are required to maintain an activity log (Log) that lists when a Suspected Child Abuse Report (SCAR) was initiated and when the staff contacted law enforcement regarding the disposition of a criminal investigation. The Unit has amended the Log to include whether a SCAR has been generated, an investigation number linked to the SCAR, date of occurrence and the date the Unit was notified. The Probation director in

charge of the Unit has also agreed to require the investigators to sign in at the juvenile halls when they respond to an incident and to identify the case to which they are responding. The director of the Unit has implemented an on call "roll out" schedule giving the Unit around the clock response capability. In addition, the independent counsel, who will review all completed investigations, began receiving cases for review in August 2007.

The Monitor indicated that he will grant formal monitoring to this paragraph after Probation develops a data base to track child abuse cases and specific procedures addressing the Unit's response to reported alleged child abuse. The procedures also include the role of the independent counsel.

The Unit has developed an Excel data base to track child abuse cases in the halls and camps. The data base includes: the date the incident occurred, the date the Unit was notified of the incident, the date the Unit investigators responded to the scene of the incident, when and if a law enforcement agency was notified, the status and disposition of the investigation.

PARAGRAPH 32: Use of Force Review

The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

Current Compliance Rate: 93%

Comments:

During the monitoring period, a total of 110 use of force incidents were reported in the three juvenile halls: 52 at Barry J. Nidorf Juvenile Hall, 24 at Los Padrinos Juvenile Hall and 34 at Central Juvenile Hall. Of the 110 packets reviewed, 158 minors were involved in the use of force, 148 (94%) minors received medical treatment within 30 minutes of the use of force. Of the remaining 10 minors, five at Central Juvenile Hall and five minors at Barry J. Nidorf Juvenile Hall received medical treatment two hours beyond the required time frame.

Generally, Probation supervisory staff submitted a use of force incident report to management within 48 hours of the incident as required. For the 110 incident packets in use of force reviewed, 107 (97%) of the packets were completed within the 48 hour reporting timeline established by Probation. Of the remaining three reviews, two at Central Juvenile Hall were completed one and two days after the 48 hour timeline, one at Barry J. Nidorf Juvenile Hall was completed two days after the 48 hour timeline.

The Monitor indicated that Probation must have an administrative use of force policy in place before he grants formal monitoring to this paragraph. The policy must include procedures for use of force reviews, identification of minors on psychotropic medication, timeliness of medical treatment and submission of use of force investigations.

The Monitor also indicated that Probation must have an early intervention system in place. The early intervention system must include a policy, staff training and system implementation. Probation management issued a revised administrative use of force policy on August 28, 2007, which was approved by the Monitor. Probation management stated that they plan to issue the policy on Early Intervention during the month of January 2008. Probation management reassessed their progress on this paragraph and revised the anticipated formal monitoring date from November 2007 to April 2008.

PARAGRAPH 33: Rehabilitation and Behavioral Management

The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Current Compliance Rate: 95%

Comments:

Individual Behavior Management Plan (IBMP) and Interagency meetings are held weekly. On November 6, 2007, we attended an IBMP meeting at Los Padinos Juvenile Hall to determine whether protocols and processes utilized at each facility are consistently applied. Based on our observations at the IBMP meetings, staff at all three facilities are conducting the meetings in a consistent manner. Committee members from LACOE, DMH, JCHS and Probation were present and participated in the discussions of eighteen minors scheduled for review. Minutes to the meeting were taken and no problems were noted. We will continue to attend at least one meeting a month at one of the three juvenile halls.

On January 22, 2007, the Life Enhancement and Assessment of Personal Skills (LEAPS) program was implemented at all three juvenile halls. During our November review, we reviewed the documentation for nine LEAPS sessions at each of the three juvenile halls; all documentation was in order. We also interviewed 80 minors involved in LEAPS. Generally the minors stated that LEAPS was useful and assisted them in learning life skills. The children's incentive stores are in place at all three halls and the points system is fully implemented. All staff assigned to the juvenile halls have been trained in LEAPS.

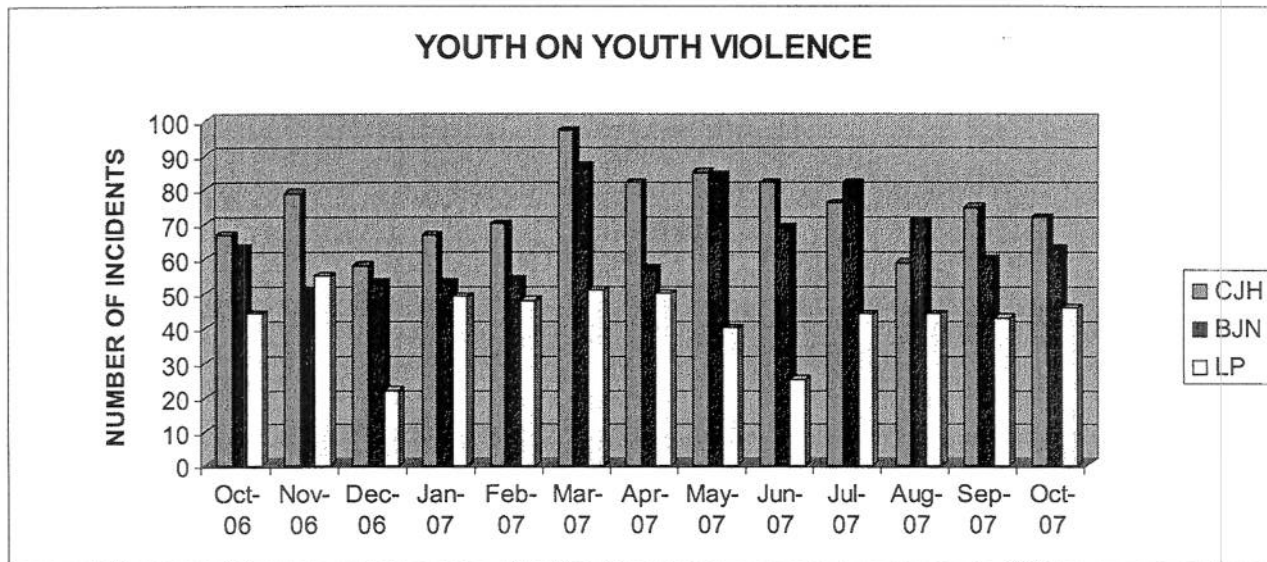
PARAGRAPH 35: Reduce Youth and Youth Violence

The County and LACOE shall develop and implement strategies for reducing youth on youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

Current Compliance Rate: 85%

Comments:

Probation staff assigned to the juvenile halls received training in efforts to reduce youth on youth violence (YOYV). The number of incidents of YOYV in the three juvenile halls during October has increased by three incidents (2%) from the previous month. However, the number of incidents from January to October 2007 compared to January to October 2006 represents an 8% decrease in YOYV incidents in the three juvenile halls.

**PARAGRAPHS 46 to 50**

Paragraphs 46 through 50 are audited by LACOE's internal auditors under the supervision of LACOE management. On September 17, 2007, LACOE reassessed their progress on Paragraphs 46 through 50 and revised the anticipated formal monitoring dates of their paragraphs as indicated below.

LACOE management stated they have been working closely with the Monitors and have reached a mutual understanding of the definition of substantial compliance. LACOE modified their audit tools to capture the information needed to document LACOE's progress toward substantial compliance.

PARAGRAPH 46: Special Education

The County and LACOE shall at all times, provide all youth confined at the Juvenile Halls with adequate special education in compliance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., regulations promulgated thereunder, and this Agreement.

LACOE is proceeding with this paragraph divided into five paragraphs as follows:

- 46.1 Special Education Upon Intake.

- 46.2 Staffing.
- 46.3 Screening for Special Education Needs.
- 46.4 Individual Education Programs.
- 46.5 Training and Quality Assurance.

The DOJ began formal monitoring for Paragraph 46.1 as of August 23, 2007.

Targeted Date to Request Formal Monitoring for 46.2-5: December 2007

PARAGRAPH 47: Related Services

LACOE shall provide related services to special education students with needs for these services.

Targeted Date to Request Formal Monitoring: December 2007

PARAGRAPH 48: Parent Participation

The County and LACOE shall utilize a range of methods to facilitate parent participation in Individualized Educational Program (IEP) meetings.

Targeted Date to Request Formal Monitoring: December 2007

PARAGRAPH 49: Transition Planning and Services

The County and LACOE shall provide adequate transition planning and services for all eligible youth with disabilities.

Targeted Date to Request Formal Monitoring: December 2007

PARAGRAPH 50: Materials, Space and Equipment

The County and LACOE shall ensure that all classes, including those held inside residential units, have appropriate materials, space and equipment.

In August 2007, the LACOE Project Manager requested formal monitoring for this paragraph retroactive to July 2007. The Monitor indicated that LACOE is in substantial compliance with most of the requirements of this paragraph. LACOE's Project Manager anticipates formal monitoring for this paragraph in January 2008.

Targeted Date to Request Formal Monitoring: January 2008

PARAGRAPH 55: Youth Hygiene

The County and LACOE shall ensure that youth have adequate hygiene opportunities, including sanitary personal hygiene products. The County shall ensure that youth have adequate linens, bedding and clothing.

Current Compliance Rate: 80%

Comments:

Paragraph 55 is audited by Probation's Management Services Bureau (MSB) auditors. We review MSB's audits on a monthly basis. The percentage of compliance is based on the MSB auditors' reports and our discussions with the Monitor.

We conducted walk-through inspections of the living quarters, supply rooms and laundry at all three juvenile halls. We interviewed Probation staff and inspected MSB's documentation related to inventories for clothing, hygiene items and cleaning supplies. Probation posted the established inventory levels in the supply rooms. The living quarters reviewed were in good condition and the laundries were clean. MSB's documentation at all three juvenile halls were in order. We compared the inventory levels to the established levels for inventory items in the stockrooms at the three juvenile halls. Generally the inventory levels met the established levels.

PARAGRAPH 56: System

The County and LACOE shall revise and/or institute quality assurance systems to ensure implementation of the provisions addressed in this Agreement.

Current Compliance Rate: 85%

Comments:

The County has established a quality assurance program for the three juvenile halls. Data is being gathered in a variety of areas. The Auditor-Controller's Quality Assurance Unit is completing periodic compliance audits at the juvenile halls and issuing monthly status reports to the Board of Supervisors.



ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



November 25, 2009

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich
Robert B. Taylor
FROM: Robert B. Taylor
Chief Probation Officer

**SUBJECT: DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – FINAL
QUARTERLY COMPLIANCE PROGRESS REPORT**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice (DOJ) settlement agreement. This report covers the time period of May 1, 2009 to August 23, 2009, and is the final report related to the agreement as all items in the agreement have completed the formal compliance monitoring periods.

In August 2007, the Settlement Agreement was extended for an additional twenty-seven (27) months. Full compliance with the settlement agreement must be achieved by no later than August 23, 2009. In the extended agreement, LACOE's Special Education Provision (#46) was separated into five separate sections. The addition of four LACOE provisions raised the total number of provisions subject to the settlement agreement from fifty-two (52) to fifty-six (56).

Before a paragraph is considered implemented, it must undergo formal monitoring by the Monitors for one year. During the formal monitoring period, the Monitors evaluate the County's and LACOE's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County and LACOE maintain substantial compliance with the paragraphs' provisions during the formal monitoring period.

Quarterly Reports to your Board generally cover a three-month reporting period. This report however, covers the time period of May 1, 2009 to August 23, 2009. This reporting

period was extended due to the agreement was scheduled to end on August 23, 2009, 23 days after the end of the quarterly reporting period. Accordingly, I wanted to be able to provide as full and accurate a summary of the progress made regarding the Settlement Agreement. Delays on the part of the Monitors submitting their final reports related to the agreement further delayed this report. These final reports were recently received by the Monitor and the County. The final Monitor's report related to the agreement will be published at the end of November, 2009.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 56 provisions:

- 56 (100%) are in compliance with the settlement agreement – As indicated in the attached, these provisions have been in formal monitoring for the required 12 consecutive months, and thus, are no longer required to be under formal monitoring.
- No provision remains to be moved into formal compliance monitoring status.

COMPLIANCE STATUS OF SETTLEMENT AGREEMENT PROVISIONS CURRENT & PRIOR QUARTER COMPARISON		
Compliance Category	Prior Reporting Period	Current Reporting Period
Number of Provisions in Compliance	50 (89%)	56 (100%)
Number of Provisions in 12-month Formal Monitoring Stage	6 (11%)	0 (0%)
Number of Provisions Anticipated to Begin Formal Monitoring in the Next Reporting Period	0 (0%)	0 (0%)
Number of Provisions <u>Not</u> Anticipated to be Ready for Formal Monitoring During the Next Reporting Period	0 (0%)	0 (0%)
TOTAL	56	56
TOTAL PROVISIONS IN COMPLIANCE OR IN 12-MONTH FORMAL MONITORING	56 (100%)	56 (100%)

SUMMARY OF COUNTY AND LACOE PROGRESS: MAY 1, 2009 – AUGUST 23, 2009

During the extended quarterly reporting period, May 1, 2009 through August 23, 2009, six (6) provisions completed the formal monitoring process. Currently, all fifty-six (56) Provisions (100%) have completed the formal monitoring process. No County or LACOE provisions remain to be placed into, or to complete, the formal monitoring process.

AUDITOR-CONTROLLER'S OVERSIGHT OF THE QUALITY ASSURANCE TEAM

The Auditor-Controller continued to provide oversight of the Quality Assurance (QA) Team, which consisted of staff from the Auditor-Controller, DHS, DMH and Probation. The QA Team is responsible for monitoring the County's implementation of the settlement agreement provisions.

Currently, no paragraphs remain to be moved into formal compliance monitoring. During the current reporting period, the following six remaining paragraphs were granted full compliance for the one-year monitoring requirement, bringing the total number of paragraphs in full compliance to 56 of the 56 paragraphs:

			<u>Monitoring Start Date</u>
#27	Staffing	Probation	July 1, 2008
#29	Use of Force	Probation	July 1, 2008
#32	Use of Force Review	Probation	July 1, 2008
#46.3	Screening for Special Education	LACOE	July 15, 2008
#46.4	Individual Educational Programs	LACOE	Aug 24, 2008
#49	Transition Planning and Services	LACOE	Aug 1, 2008

Please contact me if you have any questions or require additional information, or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (323) 226-8876.

RBT:RB:dn

Attachment

c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Robert Kalunian, Acting County Counsel
Wendy L. Watanabe, Auditor-Controller
Dr. John Schunhoff, Interim Director, Department of Health Services
Dr. Marvin J. Southard, Director, Department of Mental Health
Darline P. Robles, Ph.D., Superintendent, Los Angeles County Office of Education

PROVISIONS IN COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#8	Mental Health Staffing	DMH	Nov 30, 2006
#9	Screening	DMH/LACOE	May 31, 2006
#10	Assessments (initial identification)	DMH	Feb 27, 2009
#11	Treatment Planning	DMH	Feb 29, 2009
#12	Implementation of the Treatment Plan	DMH	Feb 29, 2009
#13	Counseling Services	DMH	Feb 29, 2009
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#15	Individualized Behavior Modification	ALL	Feb 29, 2009
#16	Substance Abuse	DMH/Probation	Feb 29, 2009
#17	Psychotropic Medications	Probation	Nov 30, 2006
#18	Restraints	Probation	Feb 27, 2009
#19	Access to Care for Medical Services	Probation	Nov 30, 2006
#20	Staff Understand Mental Health Needs	All	Nov 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#22	Suicide Prevention	Probation/LACOE	Feb 27, 2009
#23	Sharing of Information	Probation/LACOE	Feb 27, 2009
#24	Assessment (ongoing evaluations)	DMH	Feb 27, 2009
#25	Management of Suicidal Youth	DMH/Prob/LACOE	Feb 29, 2009
#26	Care for Self-Harming Youth	DMH/Probation	Feb 29, 2009
#27	Staffing	Probation	June 30, 2009
#28	Chemical Restraint	Probation	Feb 29, 2009
#29	Use of Force	Probation	June 30, 2009
#30	Supervision of Youth	Probation/LACOE	Oct 31, 2006
#31	Child Abuse Investigation	Probation	Feb 29, 2009
#32	Use of Force Review	Probation	June 30, 2009
#33	Rehabilitation	Probation/LACOE	Feb 29, 2009
#34	Group Punishment	Probation	May 31, 2006
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	April 1, 2009
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#37	Orientation to Juvenile Hall	Probation	Dec 31, 2006
#38	Grievance System	Probation	Nov 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#40	Transportation to Outside Appointments	Probation	Nov 30, 2006
#41	Medical Records Transfer	JCHS/Probation	Nov 19, 2008
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#43	Access to Care-Mental Health Services	Probation	Nov 30, 2006
#44	Eyeglasses	JCHS	Sep 01, 2007
#45	Hygiene	JCHS/Probation	Apr 27, 2007
#46.1	Special Education at Upon Intake	LACOE	Dec 31, 2008
#46.2	Staffing	LACOE	Nov 30, 2008
#46.3	Screening for Special Education	LACOE	July 14, 2009
#46.4	Individual Educational Programs	LACOE	Aug 23, 2009
#46.5	Training and Quality Assurance	LACOE	Feb 1, 2009

PROVISIONS IN COMPLIANCE - CONTINUED

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
#47	Related Services	LACOE	Dec 31, 2008
#48	Parent Participation	LACOE	Nov 30, 2008
#49	Transition Planning and Services	LACOE	Jul 31, 2009
#50	Materials, Space and Equipment	LACOE	Feb 20, 2009
#51	Security	Probation	Nov 30, 2006
#52	Fire Safety	Probation	Dec 01, 2007
#53	Food Safety	Probation	Dec 01, 2007
#54	Medically-Necessary Diets	Probation	Dec 01, 2007
#55	Youth Hygiene	Probation	Feb 1, 2009
#56	Audit Process for DOJ	ALL	Feb 1, 2009
#67	Consent Forms	Prob/JCHS/DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

TOTAL PROVISIONS: 56 (100%)

PROVISIONS IN 12-MONTH FORMAL MONITORING COMPLIANCE STAGE

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
--------------------	-----------------------------	---------------------------	-----------------------

TOTAL PROVISIONS: 0 (0%)

PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING IN THE NEXT REPORTING PERIOD

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
--------------------	-----------------------------	---------------------------	-------------------------

TOTAL PROVISIONS: 0 (0%)

PROVISIONS NOT ANTICIPATED TO BE READY FOR FORMAL MONITORING DURING THE NEXT REPORTING PERIOD

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
--------------------	-----------------------------	---------------------------	-------------------------

TOTAL PROVISIONS: 0 (0%)